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United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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**Apostles.**

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The British Ship "CELTIC CHIEF," Her Tackle, etc., and  
JOHN HENRY, Master and Claimant Thereof,  
Appellants,

vs.

INTER-ISLAND STEAM NAVIGATION COMPANY, LIM-  
ITED, an Hawaiian Corporation, Owner of the Steamers  
"HELENE," "MIKAHALA," "LIKELIKE," and  
"MAUNA KEA," for Itself, the Officers and Crews of  
Said Steamers and Other Servants of Said Owners,  
Appellee.

The British Ship "CELTIC CHIEF," Her Tackle, etc., and  
JOHN HENRY, Master and Claimant, Thereof,  
Appellants,

vs.

MILLER SALVAGE COMPANY, LIMITED, a Corporation,  
Appellee.

and

The British Ship "CELTIC CHIEF," Her Tackle, etc., and  
JOHN HENRY, Master and Claimant Thereof,  
Appellants,

vs.

MATSON NAVIGATION COMPANY, a California Corpora-  
tion, Owner of the Tug "INTREPID," for Itself and the  
Officers and Crew of Said Tug,  
Appellee.

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**VOLUME V.**

(Pages 1665 to 2080, Inclusive.)

Upon Appeals from the United States District Court  
for the Territory of Hawaii.

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(Testimony of Frederick C. Miller.)

Q. They were using both of them?

A. Part of the time they *way* using both of them and later on, that evening, they stopped the main hatch because there was some trouble with the boiler or getting some of the "Celtic Chief's" men to handle that winch and they had their own and they was using their own late in the afternoon. That's what they were using.

Q. Now, as to tensile strength of lines, Captain; you gave the strength of your cable as 120 tons on direct examination and the next day changed that to 186.

A. I looked that up the next day and changed it to 186 tons.

Q. And you got that figure from where?

A. Roebelin and Trautwine.

Q. That's for a cable one and a half?

A. Two and a half.

Q. Two and a half inches in diameter?

A. Yes.

Q. That's your cable? A. Yes. [1912—1080]

Q. And you gave us the tensile strength of your twelve-inch hawser, 65,000 tons?

A. Thirty ton I said.

Q. Thirty tons?

A. And then afterwards the book said thirty and five-tenths.

Q. Tubbs' Manual is an authority on weight and strength of manilla lines? A. Ought to be.

Q. Well, you gave us from that yesterday the weight of a twelve-inch line and eight-inch line. Now, take a twelve-inch line, you gave us—

(Testimony of Frederick C. Miller.)

A. 30 tons.

Q. If this Tubbs' Manual gave a twelve-inch manilla line a breaking strain of 112,853 pounds, or 56.4 tons, would you say that would be correct?

A. I'd say that's better than my memory. That ought to be right, as I said before.

Q. Now, how do you determine the breaking strain here given? How do you get that answer of thirty tons? How did you make that out from what you got from here?

A. Because it gave it, if I remember right, 65,00 pounds, as I'll read it to you again, page 301, Result of thirty-five tests in December, 40 pounds per fathom. It was 880 to 65,550 pounds or 3,300, 7,779 pounds.

Q. How do you get 30 tons from that for a 12-inch rope?

A. When I said about 30 tons, I may have been a little mixed up. We had Trautwine for wire rope and that gives thirty tons and five-tenths.

Q. If Tubbs' Manual gives it at 66.4 would you say that wouldn't be right? A. I would take it.

Q. Take your eight inch; if Tubbs gives this as 50,127 pounds, or 25 tons, do you think that would be correct?

A. Yes, if it's so stated in that manual.

Q. As breaking strain on eight-inch lines?

A. I would consider that an authority.

Q. On seven-inch, breaking strain, 38,400?  
[1913—1081] A. Yes.

Q. What was your second tackle?

A. The first tackle was seven, the second five, and there was—

(Testimony of Frederick C. Miller.)

Q. One moment, the five inch given by Tubbs, breaking strain 19,592. Now, your third line.

A.  $3\frac{1}{2}$ .

Q. 9,600; that is the breaking strain?

A. I guess that was a little more because the third luff was four-stranded,  $3\frac{1}{2}$ . All these others are three-stranded rope and this was a four-stranded, which is a little more, little stronger. Those figures are approximately correct.

Q. Now, Captain, coming back to the very first operations when you took the orders of Captain Henry to bring out your boats against your better judgment, you considered you were not leaving the "Celtic Chief"—simply obeying orders?

A. I was not working under Captain Henry then.

Q. You don't regard that you were salving the "Celtic Chief"?

A. If the "Celtic Chief" had been left to me to salve, I would have taken out the anchor the first thing.

Q. As it was, you considered it was a lightering contract so to speak?

A. Lightering contract for Captain Henry.

Q. Your anchor weighed six or seven tons?

A. Yes.

Q. Which?

A. I don't know which. I've never weighed that anchor; it's anywhere from five to seven tons. I've never weighed it.

Q. If the bill of sale which has been introduced in evidence in this case shows that this anchor was rated at five thousand or 10,000 pounds, would you

(Testimony of Frederick C. Miller.)

say that would be a correct weight?

A. No, I would not because the date that that anchor was built and the pounds is stamped on the crown of the anchor. [1914—1082]

Q. What is stamped on the crown of that anchor?

A. Now, if I remember right, it is marked like it was somewhere over 13,000 pounds. That's as I remember it.

Q. Where's the anchor now?

A. The anchor is used by the—to hold the American-Hawaiian dredgers out on the—at the upper part of the harbor.

Q. When did you look at it last?

A. We scraped that paint off and looked at that.

Q. Have you got to scrape the paint off now?

A. I think you can. The date is 1848 and the weight was put on to it.

Q. Whatever is stamped on the anchor will be the correct weight?

A. That I'd be willing to accept nearly every time as being the correct weight without putting it on the scales.

Q. You say if the "Arcona" had been using her windlass to haul taut you could have heard the creak of the windlass when you were in the cabin?

A. I don't remember. I said I could have heard it in the cabin. What I did say was I could have heard it when I was on deck.

Q. There was such a quiet that night that you couldn't help hearing the creak of the windlass on deck? A. I did hear it afterwards.

Q. When did you hear that?



(Testimony of Frederick C. Miller.)

A. I heard it when I came on deck the second time.

Q. What explanation did you give Captain Henry when you went on board on Wednesday morning for not having come back with lighters?

A. I wouldn't be party to his losing his ship.

Q. Any conversation about difficulty with the customs?

A. I didn't have no difficulty with the customs.

Q. About landing the cargo?

A. We had no difficulty with the customs about landing the cargo at all. We had no trouble whatever with the customs.

Q. You didn't land the "Concord's" cargo, though? [1915—1083]

A. We did land the "James Makee's" cargo and I think the "Concord's" also, but I'm not sure about the "Concord." The "James Makee" I was busy getting the anchors and stuff in.

Mr. WARREN.—That's all.

Mr. OLSON.—I want to ask a question. You said that you hoped that the "Celtic Chief" would bump the "Arcona"?

A. Yes.

Q. One of the witnesses who has already testified on behalf of the Miller Salvage Co. testified to a similar wish expressed by you? A. Yes.

Q. Was that—did you—why was that spoken?

A. I wasn't here in the court when he testified. I'm taking your word that he did.

Q. But I say, on the ship was that wish expressed on the "Celtic Chief" while she was coming off?

A. It was expressed this way: I told those men,

(Testimony of Frederick C. Miller.)

"We'll show them a trick or two before we get through with them to-night." I think I told the men myself that we'd bump her right in the stern.

Q. And you hoped you would?

A. I don't know that I said I hoped we would. I intended to do it.

Q. You intended to? A. I did.

Q. You wanted to bring her up near enough to bump? A. I wanted her to bump.

Q. And in heaving on her then that was part of your intention?

A. That was not part of my intention.

Q. You knew that she was directly astern and you were so directing your appliances that she would bump her?

A. That she would have bumped the "Arcona" so there would have been no question about who pulled her off. That was my intention. That was in my mind.

Q. You know the "Arcona" is a German cruiser?

A. I do. [1916—1084]

Q. And you know she is a steel cruiser, powerful vessel? A. Yes.

Q. And you know that the "Celtic Chief" is an iron vessel? A. Yes.

Q. Also more or less wood in her?

A. Both wooden and steel.

Q. Which would have suffered the greater damage if they had come together?

A. There wouldn't have been a couple of hundred dollars and I would have sooner paid that.

Q. I am not asking that. I asked you a direct



(Testimony of Frederick C. Miller.)

question. Which one would have suffered the greater damage if they had collided?

Mr. WARREN.—I'd like to have it go on the record that I think it is quite as speculative question as mine as to how long it would have taken the "Celtic Chief" to have gone sideways?

The COURT.—I don't think it's quite so speculative.

Mr. OLSON.—I'll withdraw my question. At the time, Captain Miller, did you stop to think that if the "Celtic Chief" did as you hoped she would and intended that she would, namely, that the "Arcona," that the "Celtic Chief" should bump the "Arcona," that she would be damaged?

A. I knew that she wouldn't suffer any material damage.

Q. Did you stop to think that the "Celtic Chief" would probably suffer more damage than the "Arcona"?

A. Sure, she would have suffered some damage.

Q. I asked you a definite question, would she have suffered more damage than the "Arcona"?

A. I think she would.

Q. Did you stop to think of that at the time?

A. I didn't stop to consider that.

Q. Now, then, the reason why—will you state the reason why you think she would have suffered the greater damage?

A. Yes, because she was a lighter ship. [1917—1085]

Q. The "Arcona" was a steel vessel also?

A. The "Arcona" was a steel vessel.

(Testimony of Frederick C. Miller.)

Q. And the "Celtic Chief" was an iron vessel and, therefore, not so powerful?    A. Not so powerful.

Q. And the smaller vessel?

A. And the smaller vessel.

Q. When you heard this bump, this first bump, you testified that you went out on deck and also you testified in response to Mr. Warren that you judged it took ten or fifteen seconds to get on the poop and within that time she was within a ship's length of the "Arcona"; is that correct?

A. I said when I got up on deck that she lessened up her distance over a half. Then I understand Mr. Warren asked me, if I remember right, what was the least distance that had been lessened up and that was the least distance and I said the least distance was about the ship's length but she had gone at least half the distance from what she had been. At least that.

Q. That would be about 500 feet?

A. About 500 feet.

Q. And you mean to say she travelled 500 feet in from ten to fifteen seconds?

A. No, I didn't say that; I never did say that.

Q. Is not that what it distinctly means?

A. No, it don't mean that.

Q. And what does it mean?

A. It means while I was sitting in the room the ship was coming off.

Q. Then the first, when the bump first occurred, that's when she first came off the reef?

A. The last bump?

Q. Yes.

A. That's possibly when she hit the reef for the last time.

(Testimony of Frederick C. Miller.)

Q. Don't you know that's when she came off into deep water? A. The last bump of the big bumps?

Q. Was she still on the reef when she gave that bump? A. Must have been. [1918—1086]

Q. And ten or fifteen seconds later she had lessened up that distance?

A. I said when I had come on deck she had lessened up the distance and I don't know how much was down while I was seated in the cabin.

Q. If it only took you ten or fifteen seconds to get up on deck don't you see that she did? Doesn't it follow that she must have travelled from the reef, that distance in that ten or fifteen seconds?

A. No, Mr. Olson.

Q. Wasn't she still on the reef then when she gave that bump? A. Sure, she hit the reef.

Q. And fifteen seconds later you were up on the deck and you observed where she was? A. Yes.

Q. Mustn't she have travelled that five hundred feet? A. She may have done it.

Q. And she was still under way when you observed that? A. She was still under way.

Q. And you mean to say with a vessel coming that rapid, if she had gone that rapid, that she would not do any damage?

A. I said, yes, it would have cost \$200.00 for new plates.

Q. You mean to say it would not suffer any material damage beyond the plates?

A. She had another 500 feet to go and if she had bumped the "Arcona" she wouldn't have done more than that.

(Testimony of Frederick C. Miller.)

Q. Even though she was coming at the rate of 500 feet per ten or fifteen seconds or about thirty miles an hour?

A. I don't admit that she went that five hundred feet in ten or fifteen seconds.

Q. Why would you have paid money out of your own pocket, as you say, in order to have the "Celtic Chief" bump the "Arcona"?

A. To satisfy beyond any question all doubt as to what agency pulled the "Celtic Chief" off the reef.  
[1919—1087]

Q. You say that you think the "Mikahala" pulled the "Arcona" off to one side which prevented her colliding?

A. I'm giving you the best of my judgment.

Q. Is that what you said?

A. I said I thought so.

Q. How do you know that when you didn't observe the "Mikahala's" lines?

A. Because there was nothing else pulling on the starboard.

Q. Didn't you say that she headed directly for the anchor? A. She headed directly for the anchor.

Q. And then swung off to the side?

A. And then swung off to the side.

Q. Did the "Celtic Chief" come up abreast of the "Arcona"? A. I'm not prepared to say.

Q. About how far would you say? I don't mean from the stern of the "Arcona" direct; that is, what distance from a line from the stern of the "Arcona" did the "Celtic Chief" come?

A. I stated and that is the best of my recollection,

(Testimony of Frederick C. Miller.)

about a ship's length.

Q. And by that time the "Arcona" was under way and they had to be cut away?

A. She started on the way.

Q. So, even if the "Celtic Chief" had not been salvaged and travelled to the ship, she would not have collided with the "Arcona"?

A. She might not have done it.

Q. Now, you said that you didn't go directly up on the deck when you heard this first bump because you wanted to wait until Captain Henry and Captain Macaulay had allayed their suspicions somewhat, had been quieted down? A. Practically so.

Q. That is to say, you mean by that that you didn't want them to get on to the fact that the "Celtic Chief" was actually afloat? A. That's right.

Q. And you stayed there and helped to make them quiet? A. I stayed about ten or fifteen minutes. [1920—1088]

Q. Even though you realized the "Celtic Chief" was coming off? A. I knew she was coming off.

Q. Do you know the reason for the "Intrepid's" line being cut, of your own knowledge?

A. From my own knowledge I would say it was pure nastiness.

Q. Do you know of your own knowledge why it was cut?

A. Do I know of my own knowledge? I know what they stated they cut it for.

Q. I'm not asking you for that.

A. I only know what they told me.

Q. If the fact was that the "Intrepid's" line was



(Testimony of Frederick C. Miller.)

cut because the "Intrepid" refused to make way for the "Arcona," because she refused to take another position, do you still think it was "pure nastiness" to cut her line?     A. Yes, I do.

Q. Do you know that the "Intrepid" did refuse to go away—her captain said she wouldn't get out of the way?

A. I don't think she would have to get out of the way.

Q. You, yourself, said a few moments ago that you understood that the captain of the ship was the man in charge of salvage operations?     A. Yes.

Q. And you still mean to say that even though Captain Henry desired the position of the "Intrepid" for the "Arcona" he had no right to tell the "Intrepid" to get out of the way?     A. Most assuredly I do.

Q. Then you don't believe that the captain of a ship ashore is the man who gives the orders?

A. Not at all times. If I had a line on the ship as the "Intrepid" had I wouldn't let go my line for nothing. Now, I'm not interested in the "Intrepid." I'm fighting them, I tell you. I want to say it was a downright, a dirty piece of work.

Q. You don't know the real reason of your own knowledge?

A. The only reason, as I told you before, is what they told me. They wanted her to go away to get the "Arcona" [1921—1089] in and they asked the captain to let go of his lines.

Q. The entrance in to Honolulu to the wharves where the wharves are located, is a narrow channel, is it not?     A. Comparatively so.

(Testimony of Frederick C. Miller.)

Q. It would not have been a safe manoeuver for the "Arcona" to have tried to tow the "Celtic Chief" stern to stern up to the harbor?

Mr. WARREN.—I object to that; it does not appear—

The COURT.—I think counsel for the "Celtic Chief" are entitled to show that.

Q. Will you answer the question?

A. That it wouldn't be a safe manoeuver?

Q. Yes. A. No, it would not have been.

Q. Now, then, Captain Miller, the "Celtic Chief" was towed by the "Arcona" out into deep water?

A. Yes.

Q. And she then relinquished her connection with the "Celtic Chief"? A. Yes.

Q. And she was turned over to one of the Inter-Island boats to be towed in?

A. No, she was brought to an anchorage that night.

Q. She was relinquished by the "Arcona"?

A. Yes.

Q. And one of the Inter-Island boats towed her in?

A. Towed her to an anchorage.

Q. Into the harbor? A. In the harbor.

Q. Isn't it a usual matter in this harbor for large vessels to be towed? A. No.

Q. Isn't done once in a while? A. No.

Q. Never?

A. I never knew big steamers to be towed into this harbor.

Q. Is the "Celtic Chief" a steamer? Is it the usual thing for a large steamer to tow a vessel into the harbor?

Mr. WARREN.—I think it's time to object again.

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(Testimony of Frederick C. Miller.)

There is [1922—1090] no testimony of towing into the harbor.

The COURT.—I will allow the question.

A. A sailing ship; yes.

Q. For a large vessel as large as the German—

A. Excuse me; I misunderstand the question. It is the custom here for large sailing ships to be towed into the harbor by a steamer.

Q. I'm asking you whether it is the usual thing for a large steamer, as large as the British cruiser, to act?

A. No.

Q. As large as the German cruiser?

A. No, it is not.

Q. Now, then, Captain Miller, in order to navigate with the "Celtic Chief" in tow as she was stern to the stern of the cruiser, wasn't it a matter of good seamanship, or wouldn't it have been a matter of good seamanship to get another ship to take her to her anchorage?

A. No, I never saw any good seamanship aboard that "Arcona."

Q. Now, kindly leave your adversions out of the question. A. It was a perfectly safe—

The COURT.—The last answer is stricken out.

Mr. OLSON.—We prefer to have it in. We'd like to have your Honor's order reversed.

The COURT.—I'll leave it in.

Q. To have done any extensive towing of the "Celtic Chief," would not it have been good seamanship to get disconnected and to connect her bow to stern with a good towing line?

A. Most assuredly it would have been, but they didn't do it.



(Testimony of Frederick C. Miller.)

Q. Just a moment; we're not asking you to volunteer any testimony. You examined the bottom and ascertained that there were boulders of lava rock? A. Yes.

Q. Close to the "Celtic Chief"? [1923—1091]

A. No.

Q. Did you observe whether there was any sand close to the "Celtic Chief"?

A. I didn't tell you, but I have stated here since I've been in the court that I couldn't see the bottom right immediately around the "Celtic Chief" from the fact she was stirring the coral.

Q. Didn't you get a water-glass?

A. Yes, but not right alongside of her.

Q. So then, you don't know what the condition of the bottom was where the "Celtic Chief" was?

A. Right alongside, I couldn't tell you.

Q. How close to her?

A. Probably fifty or sixty feet. I might add that that whole length of that bottom from her to Pearl Harbor, I've examined with a water-glass.

Q. And every foot of it?

A. Not every foot of it, no.

Mr. OLSON.—I think that's all.

Tuesday, August 29, 1911.

Mr. STANLEY.—Q. Captain, you testified in answer to Mr. Olson, that the time the "Celtic Chief" was on the reef and during the salvage operations, you were superintendent of the Salvage Company and had general charge and control and direction of the affairs of the company? A. Yes, sir.

Q. And is that the state of facts which has existed

(Testimony of Frederick C. Miller.)

ever since those salvage operations? A. No.

Q. What change, if any?

A. I think it was with Eben Low, the President and General Manager, and it's only since June, 1910, that I have reassumed management of the company. At that time of the salvage of the "Celtic Chief," if I remember right, Eben Low was then President of the Miller Salvage Company.

Q. You say at the time of the salvage operations you believe [1924—1092] Eben Low was President of the company?

A. Yes, for fourteen months Eben Low was manager and most of that time President of the company. I had resigned every position even from director on June 1st or June 30th—I've forgotten which. 1910 I became the manager and President of the company again.

Q. And have been ever since that time?

A. And have been since that time.

Q. And had general control and direction and superintendency of the affairs of the Miller Salvage Company? A. Yes, since June 1st or 30th, 1910.

Q. And during that time you've had sole management of the affairs of the company? A. Yes.

Q. Isn't it a fact, Captain Miller, that Mr. Eben Low hasn't been associated with you after these salvage operations?

A. Eben Low was the President or Vice-president and manager and I President of the Miller Salvage Company from January 1st, 1909, till—let me go back. Fourteen months from June 1st back that would be April 1st, 1909.

Q. Either April 1st or thirtieth, 1909?

(Testimony of Frederick C. Miller.)

A. It was January 30, 1909—that was the time he took the management, yes. January 30, 1909.

Q. But in December, 1909, though you had resigned from the office of President, you were still superintending the salvage operations?

A. No, I was elected by the company to do that particular job, if I remember right, at that time, the “Alden Besse,” up to the Coast. However, he delegated me to tend to that particular salvage operations on the “Celtic Chief.”

Q. They were placed under your sole charge and direction?

A. The salvage operations was under my sole charge and direction.

Q. With the authority of the company? [1925—1093] A. With the authority of the company.

Mr. STANLEY.—That’s all; thank you.

#### Redirect Examination.

Mr. WEAVER.—Q. Captain, one question on direct examination with regard to the practice of anchoring your lighters or boats while attached to the “Celtic Chief” when engaged in lightering the cargo of the “Celtic Chief.” What have you to say with regard to the purpose of using anchors or not using anchors under those conditions?

Mr. STANLEY.—We object to that, if the Court please, on the ground it is not redirect.

The COURT.—I allow the question.

A. I can consider it a bad practice.

Q. Why?

A. And only adding to the danger of our ships to anchor them alongside of the ship on a reef. As your

(Testimony of Frederick C. Miller.)

Honor can see, if that ship swung around on to the reef she'd go over my anchor and going over that anchor would increase her own danger by reason of the fluke going through her bottom. Not only that, she pins me against the reef like a great finger. I'm helpless. I'm done for. For those two reasons we considered it bad seamanship and bad practice to do it.

Q. You spoke on cross-examination of the work on Monday being the work of lightering only. You were asked the question, Were you engaged in lightering? Was it a lightering contract only? Have you any explanation of that?

A. I have only this explanation, that I think I have explained before, Judge Weaver. We had no contract for so much per ton. Nothing of that sort, but the captain of the ship ordered us to bring our lighters to lighten his ship, he claiming that he could hold her where she was by the ships that he had on her and he intended to get. [1926—1094]

Q. You testified that your line to the anchor from the "Celtic Chief" was about 900 feet and then on cross-examination it was brought out that **you** thought that the Inter-Island ships were about 700 feet away from the "Celtic Chief" and that you were about as far from the "Celtic Chief" as the Inter-Island vessels, there being two figures, 700 feet and 900 feet to account for. Have you any explanation of that or what was meant?

A. Yes, my line was 90 feet and Mr. Olson asked me how long I thought the Inter-Island, how far distant I thought the Inter-Island boats was, and I told him I thought about 700 feet, but I also stated, if



(Testimony of Frederick C. Miller.)

you remember, that I had no means of knowing the length of the Inter-Island lines. You remember, I said we dropped in between those two boats in order to put our hawser on board and I dropped my anchor about midway between those two boats "Mikahala" or "Helene" and "Intrepid." I don't mean for you to infer from that that I dropped it right abreast of the "Intrepid" or abreast of the "Helene." In between those two boats. In the first place, I don't know the length of the Inter-Island lines and I'm only giving the best of my judgment and I think the chances are that our anchor had been dropped a little ahead of the "Intrepid."

Q. Ahead of them, you mean which way? From the "Celtic Chief"?

A. It wasn't ahead of the "Helene," abreast of the "Helene." What I mean is we didn't drop our anchor ahead of the "Helene" or ahead of the "Intrepid," but abreast of them.

Q. Ahead of the "Intrepid" is which side—this side or land side? A. Beg pardon?

Q. Which side do you mean by ahead—toward the sea or toward the land?

A. Toward the land; toward the sea. If you extend two parallel lines, one from the "Intrepid" and one from the "Helene," parallel, somewhere in the middle between those two lines we dropped [1927—1095] our anchor.

Q. You've spoken of your values of the ships and paraphernalia of the Miller Salvage Co. used in this lightering, these salvage operations, and then it was brought out that you had made a return for taxes perhaps of some of these vessels. Now, however,

(Testimony of Frederick C. Miller.)

there appears before the two to be a discrepancy. What have you to say in explanation of your returns of the ships as shown by the tax returns?

A. I only have this to say: That anchor, if it was laid on the dock and sold at auction or sold for immediate purchase, I doubt if it would bring over \$800.00. In my business it's worth not only 2,000.00 because I wouldn't take that, but it was three or four thousand because I don't know where it can be duplicated. I don't think there is another such anchor. I'm frank to state right now, while the "Makee" I value at \$15,000.00 and she is worth that to me, if she was sold under the hammer, I don't believe she'd realize more than \$3,500.00, if she was sold under a hammer.

Q. At the time you were engaged in these operations. What's that? A. They're worth to me—

Q. Suppose she was sold under the hammer in December? A. She wouldn't bring more than that.

Q. How much?

A. I don't think she'd bring more than I returned on it on my taxes.

Q. How much is that?

A. 3,500. She's worth to me in my business \$15,000. You take the "Mauna Loa"; she may be worth, and doubtless is worth, 225,000 to the Inter-Island Steamship Co., because that's a going concern. To me or anybody else, if she sold at auction, she wouldn't bring a hundred.

Q. A hundred what?

A. Thousand. And my boats and property is in like way.

Q. And what figure did you put in your tax return?

A. I put \$3,500.00. [1928—1096]

(Testimony of Frederick C. Miller.)

Q. What was the basis of your figure on the tax return?

A. What she'd bring if she was sold at auction, what we call a forced sale. I want to state right here, Judge Weaver, if you please, because this thing was the thing that hurt me most on this trial, I'd like to make that point clear to your Honor.

The COURT.—You may.

A. The fact that two or three years previously, I don't remember the time, it's been brought on in evidence, I bought that same boat three years previously for \$4,500.00, which I stated on cross-examination, from the Inter-Island Steamship Co. and that's what I paid for it and then returned it three years after for taxes at \$3,500.00, I don't think is any evidence of my trying to defraud the Territory of Hawaii.

Mr. STANLEY.—We move, if the Court please, that that be stricken, as absolutely immaterial.

The COURT.—That may be stricken. I understand perfectly, understood before, Captain Miller, that you covered this thing when you said your tax return was made on the basis of what it would bring under forced sale, but that she was worth more than that to you as a going concern. I think that's understood perfectly and don't think any explanation is necessary. I sustain your objection, Mr. Stanley.

Q. You testified on cross-examination in regard to finding the large Miller Salvage Co. anchor in a hole, as you called it, in the sea bottom? A. Yes.

Q. Describe what you saw when you got the anchor or what you know about that.

A. That was what I know about it. It is this: the

(Testimony of Frederick C. Miller.)

holding buoy and the rope which held it to the anchor had been carried away, broken by the "Arcona's" propeller, and when we went to recover our anchor we couldn't find it. There was nothing there to mark the spot. We only had an approximate position which necessitated the using of a water-glass in examining the [1929—1097] bottom over quite a little area, and when we discovered the line, first, the hawser first, and then followed the hawser up to where it was fastened on to the anchor and that anchor was locked under a lava rock in quite a pocket or *puka*, hole, in the floor of the ocean.

Q. You testified to the way the three men were using the capstan bar and also with regard to about how far apart the hands of all three men would be. Will you illustrate, Captain, if you will, upon this table, where opposing counsel is sitting, just what you mean and how three men could hold the bar.

Mr. STANLEY.—We object to this, if the Court please, on the ground it is not redirect examination.

The COURT.—I allow the question.

Q. Captain, will you, taking the clerk of the court and myself, illustrate how these men were standing?

A. I haven't a ruler. I don't know. This was coming up as I stated. I know it can be done.

Q. I want you to show how those men did stand.

A. What did I state was the distance?

Mr. STANLEY.—I think you'd better answer it yourself.

A. We were three inches from the outer end and nine inches apart. That would be fourteen inches. If you'll put your hand on there. We assume that is the end of the bar.



(Testimony of Frederick C. Miller.)

Mr. WEAVER.—Let the record show he points to the end of the table. It's agreed that Captain Miller's right hand is within four inches of the end of the table, three inches from the end of the table, and that the inner side of his left hand—it is agreed that the end of the table shall represent the outer end of the capstan bar and Captain Miller's outside hand is three inches from the end of the table. The inner side—the other side of the table shall represent the inner side of the capstan bar towards the capstan and the inner side of captain's left hand or inner hand is 16 inches from the end of the table. Where shall I put my [1930—1098] hand?

A. About one or two inches from my hand. That's two inches.

Q. Where shall I put the other hand?

A. Now, put your other hand nine inches from this. Nine or ten inches apart, I said, approximately. Here's about the position that a man holds over a bar. Put your hand same as mine. Now, that young man (indicating clerk of court) will put his hand two inches from Judge Weaver's. Now, nine or ten inches apart; that's what I stated, approximately.

Q. Are you now representing how three men would stand at a bar? A. About that.

Mr. WEAVER.—Will you agree, Judge Stanley, that the total length from the end of the table to the inmost side of the left hand of the final man, third man, is three feet nine and a half inches?

Mr. STANLEY.—Taking his hand over this way.

Mr. WEAVER.—This one.

Mr. STANLEY.—Yes.

(Testimony of Frederick C. Miller.)

Mr. WEAVER.—Then it's agreed that the middle, the hands of the middle man at the end, is one foot and five inches from the other end of the bar and that the outer side of the inner hand of the middle man is two feet four and a half inches from the end of the bar; that the outer side of the right hand of the final man is two feet seven inches from the end of the bar; that the inner side of the inner hand, or left hand of the inner man, is three feet nine inches, or eight and a half, from the end of the bar.

Mr. STANLEY.—May we have the three shoulders on the outside?

A. As near as I can judge about nine or ten inches. We didn't measure them on the capstan bar, but I've told you how the three men would stand.

Mr. WEAVER.—Give us that again then. How far apart?

A. From shoulder to shoulder. About five inches apart.

Mr. WEAVER.—It's agreed that the distance between the side [1931—1099] of the shoulder of the outside man and the inside of the shoulder of the inside man is four feet eight inches.

Mr. STANLEY.—That is the shoulders of the exhibitors. May it also appear on the record, if the Court please, as illustrated, the shoulders of the three men taken as part of the exhibit are touching and their arms touch.

Mr. WEAVER.—No objection to that.

Q. In cross-examination you said that swells in a place like that where the "Celtic Chief" was would always help bring a ship off. How do you explain that?

(Testimony of Frederick C. Miller.)

A. I explain that on this ground. When a ship is fast on the bottom and there is an anchor out astern fast to something solid we get that hove taut, then as the swell comes in it lifts and lifts the ship's bottom; it lifts that ship a few inches and because of that anchor she would lift several inches to it. The swell will raise and she'll give a little bit and heave in the slack on your line every swell, and so on. So that is what I mean to say when I say that a swell is one of the best aids that I can have to pull a ship off.

Q. Under what conditions, Captain, is it an aid?

A. Conditions as I had them there and I always do whenever I save a ship.

Q. In what—what is that condition?

A. Anchor and purchase.

Q. What must be the condition of the purchase?

A. That must be good, that must hold. It must hold what the swell gives you.

Q. You said—withdraw that. That finishes my redirect, but there is some direct in regard to values which I have promised to introduce later. Captain, can you furnish to us all the damages that you were to do when you closed your examination on direct?

A. Not just at this time. As I stated yesterday, I haven't [1932—1100] seen him since. The former bookkeeper, though, is running through our books and we will bring him in.

Q. Can you do it now?

A. I can tell you what was done and what damage was done, but I can't tell you the amount of those damages and I'll have to take his figures that's in the books.

Q. Have you got anything further to say than

(Testimony of Frederick C. Miller.)

what you have said about the damage done to these vessels apart from the value of repairs, the cost of repairing them?

A. I haven't any more to say than take those figures and give you those figures as they come from the books.

Q. Did you yourself superintend or who superintended the repairing of those vessels, if anyone?

A. I did.

Q. Who fixed the value of the repairs or the cost of repairs?

A. I think Lyle done some of it and I certainly done some of it and our men. I can't say what we done by day's labor and what Lyle done.

Q. Then you did some by day's labor?

A. Yes, done considerable.

Q. Can you say how much day's labor?

A. That's just the thing we're digging through the books for. I cannot say.

Recess.

Q. What have you got to say, Captain, in regard to your feeling of animus toward the "Arcona" which you have expressed on cross-examination?

Mr. STANLEY.—We object to it, if the Court please, on the ground it is not redirect.

The COURT.—I'll allow the question.

A. The feeling of animus which I had for the "Arcona" was engendered in my mind for this, by this: The Miller Salvage Co. was incorporated here for the purpose of salving ships; [1933—1101] we had paid taxes and kept a large plant that had cost me some money for this purpose; that plant was

(Testimony of Frederick C. Miller.)

complete and sufficient to have floated that ship.

Mr. STANLEY.—We object to it, if the Court please. I move that be stricken.

The COURT.—It may be stricken.

A. A foreign man-of-war comes in here and does business which we are taxed and incorporated to do. That was one of the reasons I want to explain this fully to the Court and to yourself.

Mr. STANLEY.—We submit, if the Court please, again that this is not redirect.

Mr. WEAVER.—Captain, now was anything done or said by any officer of the “Arcona” which would cause any feeling on your part?

A. Yes, they ordered me to take my anchor up and take it away and take the gear away. I didn’t recognize the authority of a foreign ship to order me to take my salvage plant away from the ship.

Mr. WEAVER.—That’s all?

The WITNESS.—Another thing. I think it’s due me. A foreign corporation—

Mr. WEAVER.—Is this an answer to a question? What are you going to say? Are you going to explain something?

The WITNESS.—Yes, I’m going to explain.

Mr. WEAVER.—Well, you’ll have to ask the Court’s permission.

The WITNESS.—One reason, with your Honor’s permission, you can strike it or not. I’d like to make myself clear irrespective of this case and I think I tried to bring that out. If we had bumped the “Arcona” there would have been no question in the mind of anyone.



(Testimony of Frederick C. Miller.)

Mr. STANLEY.—If the Court please, I object; that's just repeating again.

The COURT.—That's been covered, Captain.

Mr. WEAVER.—That's all. [1934—1102]

Recross-examination on Behalf of Libelee.

Mr. STANLEY.—Q. You said one of the officers of the "Arcona" ordered you to take your salvage gear away? A. Yes.

Q. Who was it?

A. The gear I took out. The commanding officer.

Q. You mean he ordered you to take your salvage gear? A. He did.

Q. Do you mean that you received an order from one of the officers?

A. When he ordered me to take my anchor and hawsers, that's part of it.

Q. Do you mean the Court to understand that you were ordered by one of the officers of the "Arcona" to take your salvage equipment away from the "Celtic Chief"? Yes or no? A. Now before—

Q. Will you answer that question, yes or no?

A. No, I won't answer it yes or no. My hawsers were on the "Celtic Chief." Now, if I talk about that steel hawser I'm taking it away from the "Celtic Chief," that's yes. If I refer to the tackle on the deck of the "Celtic Chief," it means no. But he told me to take that steel hawser that was fast to the "Celtic Chief" away.

Q. Isn't a fact that you testified in your direct examination that you were requested to shift your anchor? A. He said—he said, "Take it away."

Q. And you understood that he intended you to

(Testimony of Frederick C. Miller.)

take it away and outside from any part of the "Celtic Chief" operation?

A. That's what he intended.

Q. Is that what you understood?

A. That's what I understood.

Q. And not that you were to take your anchor from the position in which it was so he could take that position?

Q. My anchor wasn't interfering with his vessel any more [1935—1103] than the "Intrepid."

Q. You didn't understand him to mean that he wished you to take your anchor from the position it was in so that he with the "Arcona" could assume that position?

A. I understood from him just what he said, to take it away.

Q. Will you answer my question?

A. Repeat it again, please.

Q. Did you understand him to mean that he wished you to take your anchor from the position it was in in order that the "Arcona" might assume that position?

A. No, he mean for me to take it away.

Q. All he said was, "Take it away."

Mr. STANLEY.—That's all.

Recross-examination on Behalf of Libelants Inter-Island Steam Navigation Co. and Matson N. Co.

Mr. WARREN.—How near was the "Arcona" to your anchor then, Captain?

A. At that time she was anchored some little distance out from her.

Q. At what time?

(Testimony of Frederick C. Miller.)

A. When he told me to take it away.

Q. About what time of day?

A. I'm giving you approximately now—about twelve o'clock when he first came there.

Q. And afterward what position did the "Arcona" have with respect to your anchor?

A. Then the "Arcona" hauled in so that her stern laid nearly over my anchor.

Q. Over the anchor or anchor line?

A. Really, it's over the anchor. It carried away our marking buoy. I don't know this but there was a dent of her propeller blade on my buoy which I found afterwards, which was broken and sunk.

Q. The buoy broken and sunk?

A. Yes, the buoy was dented in her manoeuvrings around [1936—1104] there.

Q. Had the "Arcona" put out any anchor at the time the officer told you to take your anchor away?

A. I don't remember whether she had anchored then or not, I don't recall.

Q. She had just come in?

A. She hadn't been there long; I don't think she had been there half an hour.

Q. Had she taken up any position or was she manoeuvring for position?

A. Well, she was manoeuvring around there about all afternoon.

Q. So that you would say that she was manoeuvring for position at the time the officer told you to take the anchor away?

A. She probably was manoeuvring for position.



(Testimony of Frederick C. Miller.)

Q. When she eventually got into position you say her stern was practically over your anchor?

A. When she finally got her lines taut her stern was practically over my anchor.

Q. How long a line did you use between your anchor and your buoy?

A. Ten or fifteen fathom.

Q. That left considerable play for the buoy to play around? A. Yes.

Q. That is, left enough to permit the buoy to come up against the "Arcona?"

A. If she backed with her propeller the suction of the water would have pulled the buoy toward her.

Q. Would it have been able to pull it?

A. Evidently it would because she hit it.

Q. The line was long enough?

A. The fact that she sunk the buoy is proof of it.

Q. You think that that is the cause of the sinking of the buoy? A. I think it was.

Q. And yet none of the "Arcona" lines got tangled?

A. No, Mr. Warren, from the fact that there was a deep cut in the buoy that was done from the impact of a *steam-* [1937—1105]

Wednesday, September 6, 1911.

Mr. WEAVER.—I ask counsel to admit the record of tides as shown by the tide tables for the year 1909 published by the Department of Commerce and Labor, Coast and Geodetic Survey, at the Government printing office, page 216, relative to the tides at Honolulu, Island of Oahu, Hawaiian Island, 1909, on December, on Wednesday, December 8 and Thurs-

(Testimony of Frederick C. Miller.)

day, December 9, and to admit that those tides are as shown in this record, to wit:

Mr. OLSON.—We will admit a copy of the record as shown by the book or authority to which reference has been made for the times stated.

Mr. WARREN.—We make the same admission for the Inter-Island Steam Navigation Company and the Matson Navigation Company.

Mr. WEAVER.—And it is admitted that the time begins to run from midnight of each day and is counted as twenty-four hours?

Mr. OLSON.—That's all.

The COURT.—The stipulation just made is approved by the Court.

**[Testimony of J. W. Vannatta, for Libelant.]**

Direct examination of J. W. VANNATTA, a witness called on behalf of libelant Miller Salvage Co., Ltd., and sworn.

Mr. WEAVER.—Q. Mr. Vannatta, were you ever connected with the Miller Salvage Company?

A. Yes, sir.

Q. Where were you employed on December 6, 7, and 8, and for sometime before and after, 1909?

A. What was I employed as? [1938—1106]

Q. Where were you employed?

A. Miller Salvage Company.

Q. What was your position there?

A. Keeping their accounts, bookkeeper.

Q. In connection with keeping their accounts, did you know anything about the salvage of the Miller, of the "Celtic Chief"?

A. I paid off some men.

(Testimony of J. W. Vannatta.)

Q. What else did you do?

A. Well, I was out there on one of the boats when she was on the reef.

Q. On what boat?

A. I was on the "Mokolii" and the "James Mackee."

Q. You have spoken of the "Mokolii"; did you have anything to do with regard to the men of the "Mokolii"?

A. Well, I paid them. That is all I had to do with them.

Q. What did you do in that matter?

A. I paid them.

Q. How much did you pay them?

A. I have a memorandum here.

Q. State—

Mr. OLSON.—Now, if the Court please, unless it appears affirmatively that this testimony is not duplicating testimony already in the record, I object to this question on the ground that it is incompetent.

The COURT.—Object overruled.

Q. Mr. Vannatta, tell, if you can, in detail of the payment of the men on the "Mokolii," using any memorandum or any other means you have.

A. I paid the crew of the "Mokolii," \$145.20.

Q. What was that for? [1939—1107]

A. That was for the week ending December 11, I think. Up till Saturday.

Q. Do you know what they were doing for that work?

A. They were out on that "Celtic Chief" salvage work.

(Testimony of J. W. Vannatta.)

Q. What time of the week?

A. They went out—I won't be positive about the day—I think it was Tuesday.

Q. Did they do any other work than that on the "Celtic Chief" for that money that you paid them, \$145.20?

Mr. OLSON.—I object to the question unless it appears that the witness is qualified to answer.

Mr. WEAVER.—Withdraw the question. Do you know what work those men did for that money?

A. I paid them off every week and they were out on that salvage work till the ship came off.

Q. And then what?

A. I paid them the full wages for the week. I paid them on Saturday.

Q. You paid them on Saturday for that work?

A. Yes, for the whole week.

Q. Do you know how many men there were?

A. Eight or nine, I think.

Q. How did you arrive at any figures?

A. I just remembered that.

Q. Can you say how it was made up?

A. I can't say now, but I made up the payroll from the captain's time-book.

Q. Captain Miller's?

A. Captain Scott of the "Mokolii."

Q. Do you know where Captain Scott is now?

A. I believe he is on the "Mokolii."

Q. Do you know whether or not that's in Honolulu or not? A. I don't know.

Q. Did you get any paper or receipt in regard to that [1940—1108] money? A. Yes.

(Testimony of J. W. Vannatta.)

Q. Will you produce it?

A. It's in that receipt-book, if that's it.

Q. Is this paper the one you speak of?

Mr. OLSON.—I object to the question on the ground, if the Court please, it is incompetent, irrelevant, and immaterial, and, furthermore, it isn't binding in any way upon the respondents and we're the only persons concerned.

I add to my objection that this is an attempt to prove a certain payment by hearsay.

The COURT.—I'll suspend my ruling on the point whether the receipt itself is admissible.

Mr. WEAVER.—Was that paper signed?

Mr. OLSON.—Now, if the Court please, I object to the question on the ground that it is incompetent, irrelevant, and immaterial.

Recess.

The COURT.—I'll sustain the objection at this time.

Mr. OLSON.—I'd like to have the additional ground added there that the objection was further made on the ground that the document concerning which the testimony is offered is a self-serving document.

Mr. WEAVER.—Did you have anything to do with regard to the crew of the "Elizabeth," the launch "Elizabeth"? If so what?

A. Well, there was just the one man that was on the "Elizabeth" that I paid off and that was Lonche.

Q. Frank Lonche? A. Frank Lonche.

Q. What did you pay him?

A. I didn't pay anything at that time. He was



(Testimony of J. W. Vannatta.)

drawing his money in advance and to make up for what I paid him I charged the whole "Mokolii" [1941—1109] crew to the "Celtic Chief" work.

Q. I don't understand that.

A. The "Mokolii" men weren't there the whole week. I paid them \$145.20. They weren't on that work, on the "Celtic Chief" salvage work until Saturday.

The COURT.—Were or were not?

A. They were not.

Q. What were they—how much of that was for work?

A. Just what I'm saying. I didn't segregate that—I didn't charge Lonche's time up to the "Celtic Chief."

Q. Was the whole \$145.20—do you mean to testify that the whole \$145.20 was with regard to work in connection with the "Celtic Chief" salvage or not?

Mr. OLSON.—I object to the question on the ground it is leading.

The COURT.—The objection is sustained as to form.

Q. Will you explain, then, this item of \$145.20 again, Mr. Vannatta, in detail?

A. I used to pay the men on the "Mokolii" every Saturday and I paid them \$145.20 on that Saturday, on the 11th, but I think they were out there on the "Celtic Chief" work three days, if I'm not mistaken.

Q. Not more than that?

A. Not if I remember, but I remember that to make the thing come out why, I charged the whole of the "Mokolii's" payroll to the "Celtic Chief"

(Testimony of J. W. Vannatta.)

work and Lonche's time and what few men he had on there I charged right up to the "Elizabeth" and didn't charge it to the "Celtic Chief" work.

Q. Before you go on, will you explain how much of the \$145.20 was for work done in connection with the "Celtic Chief"?

Mr. OLSON.—I object to the question unless it appears [1942—1110] that the witness is qualified to answer from his own knowledge.

Mr. WEAVER.—I mean the question of your own knowledge.

A. I didn't segregate that as I said. I charged the whole thing up to the "Celtic Chief" to even up this other.

Q. Where did you get the item from which you made \$145.20? A. Where did I get the items?

Q. Yes. You paid that sum of \$145.20, where did you get the items?

A. From Captain Scott's time-book. That was his payroll for the whole week from Monday to Saturday.

Q. You were speaking of Frank Lonche's payment, what did you pay him?

Mr. OLSON.—I object, if the Court please, unless it first appears for what he paid him.

A. I don't know as I paid Lonche anything at that time. He was drawing his pay in advance. He draws \$20.00 and \$10.00.

Q. What did Lonche draw from the company for the work in connection with the "Celtic Chief," if you know?

(Testimony of J. W. Vannatta.)

A. I don't know as I paid him anything on that work.

Q. How long was he working on the "Celtic Chief" job, if you know?

A. I know he was out there Monday—went out there Monday morning.

Q. How much wages did he get? A. I think—

Mr. OLSON.—I object to the question unless it first appears from the question whether or not the payment which counsel is referring to is for services performed in connection with the "Celtic Chief" operations and whether or not the witness knows this of his own knowledge. [1943—1111]

Q. Do you know whether or not he was there after that?

A. I think he was there Tuesday and Wednesday.

Q. Do you know what wages he got at that time?

A. He was a monthly man and got paid \$100.00 a month.

Q. When you paid him for portions of a month, what was his wage?

Mr. OLSON.—Object to the question on the ground that it assumes that the man was paid for portions of a month at a different rate.

The COURT.—Objection sustained.

Q. How much of that month was he to work for that \$100.00? How many times in the month?

A. He was to work the whole month. If there is thirty days in a month he was to work thirty days.

Q. He must work every day including Sunday?

A. He doesn't necessarily work on Sunday, but his Sunday was—

(Testimony of J. W. Vannatta.)

Q. I'm asking if he had to work every day.

A. A man that's on a monthly wage has to work every day.

Q. What was a day's work, if you know? How much does he work in a day?

A. How much does he do in a day?

Q. How much work does he do? What hours?

A. I don't know.

Q. Can't you give us some idea?

A. How could I tell you?

Q. Don't you know how much he's expected to do?

A. No, certainly not.

Q. Don't you know how many hours a day?

Mr. OLSON.—Object to the question on the ground the witness has already answered.

The COURT.—Objection overruled.

Mr. OLSON.—I wish to add to my objection the further [1944—1112] ground that counsel is attempting to cross-examine his own witness.

A. I don't quite understand.

Q. How many hours is a day's work for Frank Lonche on the "Elizabeth"?

Mr. OLSON.—We object to the question on the ground that the question has already been asked and answered fully and to allow further questions on this line is permitting counsel to cross-examine his own witness.

The COURT.—Objection overruled.

A. I really don't know how many hours he was supposed to work a day. Sometimes he worked ten hours and sometimes twelve hours.

Q. If he worked more than that is that a day's

(Testimony of J. W. Vannatta.)

work? Suppose he worked more than twelve hours; is that a day's work?

Mr. OLSON.—I object to the question, if the Court please, on the ground the question is leading.

The COURT.—Objection sustained.

Q. Did you have, do you know a man named Burns? A. Yes.

Q. Was he working on the "Celtic Chief" job?

A. Not that I know of; no. I was going to say that he was a warehouseman down there, warehouseman.

Q. Do you know anything about a man named Odo? A. Yes.

Q. What had he to do, if anything, with Odo. What had he to do, if anything, with the "Celtic Chief" salvage matter, if you know?

A. I know that Monday morning Captain Miller wanted to get some men, and Odo was working for the Miller Salvage Company, and they were doing general repairs. He wanted men and he got Odo's men to go [1945—1113] out there.

Q. Did you have anything to do with regard to the taking by those men?

A. They worked for the company right along.

Q. Did you pay them off with regard to the "Celtic Chief" salvage case? A. Yes.

Q. If so, what did you pay?

A. \$52.00 I paid them; at the end of the month. I made the segregation of their time and charged \$52.00 of time to "Celtic Chief" work.

Q. How did you make that out, \$52.00?

A. I got his time sheet every month and he gives



(Testimony of J. W. Vannatta.)

me the segregation and I charge it up.

Q. Where is Odo now?

A. I understand he is still working with Miller.

Q. Then you made out this from the time sheet?

Do you know how many men were on that sheet at that time? A. I don't remember.

Q. Do you know a man named Moses—M. Moses?

A. Yes, I do.

Q. Did he have anything to do with the salvage of the "Celtic Chief"?

A. He was one of Dick Clarke's gang, if I remember right. He was in that gang.

Q. Who paid him? A. I did.

Q. Did you pay him or do you know whether or not Dick Clarke paid him? A. I paid him.

Q. Dick Clarke's men. Do you know Dick Clarke's list of men?

Q. Was M. Moses included in that or not?

A. I think he was on that. I've got the list here. That's on the list here. [1946—1114]

Q. And did you have anything to do with the payment of the crew? Do you know anything about the crew of the "Mokolii" at that time?

A. About what?

Q. Do you know about the crew of the "Mokolii" at that time?

A. About what, about the payment of it?

Q. Yes. Do you know anything about the crew itself? A. I know they were out there.

Q. Did you have anything to do with the payment of the crew? A. Yes.

Q. Did Dick Clarke have anything to do with the

(Testimony of J. W. Vannatta.)

payment of the crew? A. Not of the "Mokolii."

Q. What did you have to do with the payment of the crew of the "Mokolii" and what did you pay them for work in connection with the "Celtic Chief" salvage?

A. I've already testified to that, \$145.20.

Mr. OLSON.—Object to that and move to strike the witness' answer on the ground that the testimony is already in the record as to the \$145.20, the witness having stated he could not segregate what was for the "Celtic Chief" and what was otherwise.

The COURT.—As I understand, some of that \$145.20 was for work?

A. Yes.

Mr. WEAVER.—Did you have any other, any payment to the crew of the "Mokolii" other than that, \$145.25 for work, which included work in connection with the "Celtic Chief" salvage?

A. No, sir.

Q. Do you know anything about any carpenter working on the "Mokolii"? A. No, sir.

Q. Do you know anything about a man by the name Susaki? A. Yes.

Q. Did you have any business dealings with him with [1947—1115] regard to anything connected with the "Celtic Chief" salvage, either work on the "Celtic Chief" or repairs on boats which were used on the "Celtic Chief" salvage?

A. Susaki was the man that was down there repairing scows and he was on that work at that time. I don't remember him being out on the "Celtic Chief" work.

(Testimony of J. W. Vannatta.)

Q. You don't know what the work was?

A. No, sir.

Q. Did you have anything to do with the payment of any of the officers of the "James Makee"?

A. Yes, paid the engineer.

Q. Who was he?

A. Bryan. Follow up the name of Bryan.

Q. William C. Bryan?

A. I don't know if it's William C. Bryan.

Q. What did pay him and what for?

Mr. OLSON.—I object to the question unless its limited to the "Celtic Chief" services.

Q. What did you pay William C. Bryan, engineer on the "James Makee," in connection with his services on the "James Makee"? A. \$75.00.

Mr. OLSON.—That was for that work?

A. For Bryan, engineer.

Q. Do you know whether or not you paid him \$75.00?

A. I don't know whether or not—I was told to pay him \$75.00 and I paid him. Of course, it was for work on the "Celtic Chief." He was out there.

Q. Was it for any other work than the "Celtic Chief" only or other work?

A. Just on that "Celtic Chief" work because when the "James Makee" came back they let him off.

Q. How many times was he there? [1948—1116]

A. I don't remember just exactly. I think it was five times.

Q. You don't know. Have you got any memorandum from which you can say? Do you know a man named Myre?

(Testimony of J. W. Vannatta.)

A. You were asking me if I could produce any—I've got a receipt here for \$75.00.

Q. Without reading the receipt, from memory can you say how much work that money was paid for?

A. No.

Q. Did you know a man name Myre, J. Myre?

A. No.

Q. Didn't you make up a list—haven't you got J. Myre on the list as some man connected with the work of the "Celtic Chief"? A. No, sir.

Q. What do you know anything about any bills for food supplied the men while working on the "Celtic Chief"?

A. I think they bought some stuff from Lansing.

Q. Do you know that?

A. I wouldn't be positive of it.

Q. Did you pay any bills for stuff from Lansing as you call it? A. I think I did.

Q. What did you pay?

Mr. OLSON.—I object to the question unless it appears that the food was actually consumed.

Mr. WEAVER.—I offer to prove by another witness, by Mr. Miller, that this food was used for feeding these men on the "Celtic Chief."

Mr. OLSON.—And that it was all used?

Mr. WEAVER.—And that it was all used.

The COURT.—I'll allow the question.

Mr. WEAVER.—Look for voucher 632. [1949—1117]

A. 632 is a payroll.

Q. Can you say what you paid out to Lansing?

A. Well, I paid him a bill here on December the

(Testimony of J. W. Vannatta.)

7th for \$21.90 and it was for some—

Q. When you say Lansing what do you mean?

A. The American Brokerage Co.

Q. Did you pay any other in addition to \$21.90?

A. I don't remember.

Q. You have an item for \$4.85, the same firm?

A. Yes, there's one here for \$4.85.

Q. When did you pay that?

A. On December the 8th.

Q. Did you pay any bills with regard to the "Elizabeth," the launch "Elizabeth"?

A. I paid \$11.38 for repairs.

Q. What for, what was that for?

A. Damage to her rudder out on the "Celtic Chief" work.

Q. When did you pay it?

A. On December the 10th.

Q. Did you—what did you receive, if anything? Did you receive anything for services in connection with the "Celtic Chief"?

A. Nothing but my monthly salary.

Q. What was your monthly salary?

A. \$75.00.

Mr. OLSON.—I object to the question on the ground it is incompetent, irrelevant and immaterial.

The COURT.—Objection overruled.

Q. Did you—was there any engineer on the "Mokolii"? A. Yes.

Q. Was he paid, and if so, what for services in connection with the "Celtic Chief" salvage?

A. Have you got the other books here? I could give you that quicker. Have you the number of the receipt there?



(Testimony of J. W. Vannatta.)

Q. Thirty-one? A. 631?

Q. 31 is the voucher? A. 31? [1950—1118]

Q. 31 is down here as the voucher; may be 631.

A. No.

Q. Do you know what was paid?

A. I don't remember paying him just at that time.

Q. Do you know what was his name?

A. Abbey, J. Abbey. We used to pay him by the month.

Q. How much did he get by the month?

Mr. OLSON.—Object to the question on the ground it is incompetent, irrelevant and immaterial.

The COURT.—Objection is overruled.

A. \$85.00.

Q. Do you know whether he was paid that month for the month of December?

A. I don't think he was paid in December for his December work. He might have been paid in January.

Q. Do you know whether he was paid for his work in December? A. I think he was; yes.

Q. Who paid Tom Mason?

A. I paid Tom Mason, he was on this payroll.

Q. How much? What payroll do you speak of?

A. This payroll of stevedores.

Q. Was that the same payroll that Dick Clarke had or not? A. That's the same one.

Q. Same one that Dick Clarke had?

A. Yes.

Q. Did you know anything about any gang repairing the "Concord" or the "James Makee"?

A. Yes, there was Odo's gang on repair work.

(Testimony of J. W. Vannatta.)

Q. What were they doing? What repairs? Before or after the "Celtic Chief" went aground?

A. They were on the repair work the whole month, I think, except when they were out there, and at the end of the month, why, I segregated his time and charge \$103.58 for [1951—1119] repair work on the "Makee"; \$72.70 for repairs on the "Concord."

Q. Do you know what repairs they were?

A. What's that?

Q. Do you know whether those repairs were made by something happening before or after the "Celtic Chief" went on the reef?

Mr. OLSON.—Well, now—

The COURT.—Objection sustained.

Q. Was this work done before the "Celtic Chief" went aground as well as afterwards?

A. I couldn't say. I know I paid them this money for the December work.

Q. All right. You paid it for the December work.

A. December work, it may have been some of it before the "Celtic Chief" went on the rocks and some of it afterwards.

Q. Who paid Wiesbarth, you or Dick Clarke?

A. I paid Captain Wiesbarth.

Q. How much?

Mr. OLSON.—I object unless it appears for what services.

Q. For what was that work?

A. I didn't pay him right after that.

Q. For what work did you pay him?

A. He went down to Fanning Island just after the work and he didn't get his money until he got back.

(Testimony of J. W. Vannatta.)

Q. For what work did you pay him?

A. I paid him after he got back.

Q. I'm asking you what you paid him for? Work on the "Celtic Chief"?

A. I don't know as I paid him anything. I paid him his salary.

Q. What salary did he get?

A. Just at this time he was employed to take the "Concord" [1952—1120] down to Fanning Island.

Q. What wages did he get, if you know.

A. I don't remember.

Q. And Susuki, the carpenter, you spoke of, what amount did you pay him for work after the "Celtic Chief," performed after the "Celtic Chief" went on the reef?

A. I don't remember what I paid him.

Q. Did you, do you know whether or not Young Brothers did anything for work for the "Celtic Chief," in connection with the "Celtic Chief"?

A. Yes.

Q. And what was it?

A. They done some towing.

Q. Were they paid?

A. No, sir, not while I was there. We got a bill from them for their towing.

Q. Was there any charge for wharfage while you were discharging the cargo of the "Celtic Chief" on the wharf at Honolulu? A. I don't remember.

Q. Can you give us a complete statement of all that was paid by you to Odo's gang for any repairs on any vessel performed after the "Celtic Chief" went aground?

(Testimony of J. W. Vannatta.)

Mr. OLSON.—Object to the question on the ground that the witness has already testified fully on that point.

Mr. WEAVER.—Withdraw the question. Have you told us everything you know about Odo's gang working on the repairs of these vessels?

A. In connection with the "Celtic Chief," yes.

Q. In connection with the "Celtic Chief."

Mr. WEAVER.—That's all.

Cross-examination.

Mr. OLSON.—Q. You testified to an item of \$11.38 for damage, repairing damage to the "Elizabeth's" rudder. Do you know how that damage was caused, of your own knowledge? [1953—1121]

A. I was out there just when it happened.

Q. Out on the "Celtic Chief"?

A. Out on the "Celtic Chief."

Q. How did it happen?

A. Well, I don't know exactly how it happened, but she was lying right alongside the "Concord," I believe.

Q. You testified she was lying where?

A. Alongside the "Concord" which was lying alongside the "Celtic Chief." I was *was* not *look* over there and they tried to start her up and they couldn't get her to go and I found out from somebody that she had busted her rudder.

Q. Did you see the rudder actually broken?

A. I can't swear.

Q. You don't know really how it was broken?

A. No, I didn't see it myself.

Q. You said that Bryan, this engineer of one of

(Testimony of J. W. Vannatta.)

the boats, which boat was it?

A. "James Makee."

Q. "James Makee," was paid \$75.00 for his work in connection with the "Celtic Chief." He was only employed in connection with the "Celtic Chief"?

A. Yes.

Q. And during the time that the Miller Salvage Company had boats working on and in connection with the "Celtic Chief"? A. Yes.

Q. That was only three days?

A. Three or four days.

Q. It was Monday, Tuesday and Wednesday, wasn't it?

A. I wouldn't be positive just how many days they were out there. Three days, I think.

Q. He was paid at the rate of \$25.00 a day for that work?

A. He worked on the "Makee" afterwards.

Q. This \$75.00 did not include merely the work that he did in connection with the "Celtic Chief"?

A. After he got through that work there was a lot of work to do in the engine-room and he was on for another week. I can give you the date I paid him and [1954—1122] get the exact number of days.

Q. How many days was it?

A. On the 21st I paid him.

Q. You paid him on the 21st day of December?

A. Yes.

Q. And that was in full up to that date?

A. In full to that day.

Q. What day was that begun on?



(Testimony of J. W. Vannatta.)

A. On Tuesday.

Q. On Tuesday the 6th of December?

A. I think it was the 6th.

Q. And that would be his salary up to the 21st then? A. Yes.

Q. When you said that Lonche, in working under his monthly salary would sometimes have to work ten hours or twelve hours, you mean, don't you, that the Miller Salvage Co., could call on him to work any length of time? A. Yes.

Q. And simply for his monthly salary right along?

A. I never paid him any overtime while I was there.

Q. He was there on a monthly salary? That's all.

Mr. WARREN.—No questions.

Recess.

**[Testimony of F. C. Miller, for Libelant—  
Continued.]**

Continuation of Testimony of F. C. MILLER.

Mr. WEAVER.—Q. Captain, when you left the stand we were to prove by you the facts with regard to repairs on these vessels and your apparatus, for damages caused by your working at the "Celtic Chief." Can you give me any items of costs with regard to any of the repairs done?

A. I can give you some items here from this list of memorandum which I have.

Q. Do you know of your own knowledge?

A. Here's a list of everything and here is the vouchers in this receipt-book which I've gone carefully over and dug up, [1955—1123] and I've got

(Testimony of Frederick C. Miller.)

on this list nothing that we haven't actually vouchers for.

Q. I want you to answer the question with regard to the repairs; the repairs, only, not wages or cost of salvage or anything else. Confine yourself to your answer to any items you can give with regard to repairs to your machinery and your vessels?

A. Voucher number 76 in this book.

Q. Just testify as to your own knowledge first. I don't care for voucher 76. That isn't in evidence.

A. I know that this gang or carpenters was used on the "Concord" for doing repairs to the "Concord."

Q. This gang of carpenters, what are you referring to? A. I'm referring to this.

Q. What do you mean, of your own memory and your own knowledge?

A. My memory and my knowledge is and both of them, is that those men for which we hold their receipts, worked on those boats repairing the damages done to them.

Mr. OLSON.—Move to strike the answer as irresponsible, if the Court please, and further more on the ground it is incompetent, irrelevant, and immaterial.

The COURT.—The objection is overruled. It's only preliminary, I take it.

Q. What do you know of your own knowledge now about the repairs on the "Concord"?

A. Well, I saw them done.

Q. By whom? A. By these—

Q. Don't say these. A. By the carpenters.

(Testimony of Frederick C. Miller.)

Q. What carpenters? A. We occasionally—

Mr. OLSON.—I don't care, describe it any way.

A. Oda's gang.

Q. Who was Oda?

A. Oda is a foreman carpenter.

Q. And he had a gang? A. Yes.

Q. How many men did that gang consist of, if you know?

A. They consisted of various men; according to the receipts [1956—1124] here the first item is \$50.00.

Q. Do you know how many men were working under him and how many days they worked?

A. I can't tell.

Q. Have you any memorandum from which you can tell?

A. Let me look back at his receipt here.

Q. We will find out if you know.

A. Judge Weaver, we've got a voucher for every item on that—

Mr. OLSON.—I move to strike the witness's testimony on the ground it is irresponsive, furthermore, on the ground it is incompetent, irrelevant, and immaterial.

Mr. WEAVER.—I have no objection.

The COURT.—It may be stricken.

Q. Can you find a memorandum, Captain?

A. I'm looking for his receipt. There's no memorandum here. There's a receipt for the money.

Q. Can't you tell by the numbers? Look for 657, see if that's it?

A. The first one, 709, I've got that.

Q. You were speaking of a \$50.00 item first?

(Testimony of Frederick C. Miller.)

A. That was another one.

Q. Do you know without any receipt or memorandum any more about this item of \$50.00 than you have testified to?     A. Yes, I do.

Q. Tell what you know of your own knowledge?

A. I know the men worked on the boats repairing the boats that were smashed there on the "Celtic Chief."

Q. What boats?

A. We tore the windlass out of the "Concord," we tore the port rail and forward chock out of the "James Makee"; we took the boat that we hired from the Pacific Transportation Co., we tore her bitts out and replaced them.

Q. What is that?

A. "Kaimiloa." And the "Elizabeth," she got her line in the wheel and took a scag out of her.

Q. Who did that? [1957—1125]

A. She was put on the marine railway.

Q. I'm speaking of Oda's gang.

A. They got her chock in and her after rail. They put the bitts on the "Kaimiloa." Oda's gang and then we had another Jap by the name of Susuki. He helped them, but most of that repair work was done under my own supervision by a gang of carpenters that were paid so much a day and so much a week.

Q. Were they working on any other work?

A. These receipts cover nothing but that.

Mr. OLSON.—I move to strike on the ground that the witness is testifying to hearsay testimony and that the testimony is hearsay.

The COURT.—Objection sustained.

(Testimony of Frederick C. Miller.)

Q. Were Oda's gang working on any other repairs or work other than to repair the damage done to your boats or apparatus in connection with the salvaging of the "Celtic Chief"?

A. No other. They had been working, but they are working for me now.

Q. In this item that you are charged \$50.00?

A. No.

Mr. OLSON.—I submit, if the Court please, there's no item here with regard to \$50.00.

Mr. WEAVER.—I'm mistaken. Then I withdraw the question.

Q. Did you pay any items, did the Miller Salvage Co. pay any items to Oda in these repairs?

A. Yes.

Q. What?

Mr. OLSON.—I object to the question on the ground that the witness does not appear to be qualified to answer. It doesn't appear whether he is testifying as of his own knowledge as to these payments or not.

The COURT.—I think you had better find out his qualifications first.

Q. What did you have to do with regard to the payment of these [1958—1126] monies, Mr. Miller?

A. I had to see that the men were paid and got their money every Saturday night.

Q. Who was it had it in charge, the payment of these men?

A. Vanatta did it. He kept the books and the money was drawn through him and I saw that these Japs got it.



(Testimony of Frederick C. Miller.)

Q. You saw them get it?

A. I saw them get this money.

Q. Now, will you tell what Oda's gang got, what amounts?     A. Oda's gang *gone only*.

Mr. OLSON.—I object to the witness refreshing his memory from a document unless the document is explained.

Q. Do you or do you not know what sums you paid to these Japs?

A. I dug this out of the books myself personally so as to make sure that I knew what I was talking about.

Mr. OLSON.—Who helped you to get those out of the books?     A. No one.

Q. You dug it out yourself?

A. I did, dug all of it. I show you in my own handwriting and if there is any difference we can take an expert and look it over. That is my own handwriting that I got from the books. I didn't want to have any question. I was ready to swear to any one of these items.

Q. Now, what sums did you pay to Oda's gang for repairs in connection with damage done while salvaging the "Celtic Chief"?

A. The first item is \$191.00. The second item is \$50.00.

Q. Now of what, The first item \$191.00, is made up how, Captain, if you know.

A. I don't know how it's made up.

Q. Did you pay that money or did you not?

A. I didn't pay it, I saw it paid because Vanatta, Mr. Low gave Vanatta the money to give the men and

(Testimony of Frederick C. Miller.)

with the Japs I stood there and saw that they got their money because there was some question about that.

Q. And the \$50.00?

A. The \$50.00 likewise. [1959—1127]

Q. Now, you've spoken of Oda's gang working on repairing. Was any other work and labor performed to repair damage done to your ships and apparatus because of work in connection with salving the "Celtic Chief"?

A. None other that we give you in this list.

Q. Any item you know of as though you haven't any list before you, Captain. I want you to tell from your knowledge. The list isn't evidence.

A. If you asked me—

Q. Read the question. (Question read.) I might add by any other person.

A. Yes, Suzuki.

Q. Well, what did he do?

A. He done \$38.50 help on the "Concord" and a \$7.00 item that he done on the "Mokolii." I don't remember what that was, some little damage.

Mr. OLSON.—I move to strike, if the Court please, on the ground the witness testifies he doesn't know what that work was done for.

Q. Did you know whether there was any repair work done on that vessel except for damage done in connection with the "Celtic Chief"? A. No, sir.

Q. Was there any other repair work?

A. There was no other repair work done except damages we incurred on the "Celtic Chief."

The COURT.—I sustain the objection.

(Testimony of Frederick C. Miller.)

Mr. OLSON.—The motion is granted?

The COURT.—Yes.

Q. Were there any other? You already referred, in connection with the "Mokolii," to one, the "Mokolii" item you don't know, but what have you to say about the \$38.50 paid to Suzuki as carpenter, what was that for, the item of \$38.50?

A. That was on the "Concord."

Q. Yes, you've said that. Now, what was it done for, work on the "Concord" you've testified. Go into the details of it as much as you can and tell what was done on the "Concord" [1960—1128] by Suzuki if you know?

A. No, I can't. This work was done two years ago or nearly two years ago. We had a gang of men, some of them used to work on the windlass and some of them on the chocks, some on the rail. Whether it was Suzuki or whether it was Oda or before they was placed on that particular work, I can't say.

Q. Was there any repair work done on the "Concord" by Suzuki or by Oda except to repair damage incurred in salving the "Celtic Chief"?

A. None other.

Q. Have you any other items for labor performed in repairing of your apparatus or vessels?

A. Yes, Oda's gang, \$59.65 on boats.

Q. What was that for?

A. We broke one of our boats and I assume that's it. I'm assuming that is it. I know we broke one of our boats and the rest goes for the boats.

Q. And Oda's gang again, \$116.05, what was that for? A. Boats.

(Testimony of Frederick C. Miller.)

Q. What in connection with boats? Explain it please.

A. Putting in ridging and new planking into them.

Q. Why did you put in ridging and new planking?

A. To make them as good as before.

Q. Why did they need such repairing?

A. Because one got smashed on the bulwarks of the "Celtic Chief."

Q. You say boats, was there more than one bitt damaged? A. There was two of them.

Q. What damage was done?

A. The side of one of them was crushed right in bad.

Q. What else? That's one boat, what happened to the other?

A. The other wasn't so badly broken. Her stem was busted a little bit.

Q. Have you any other items? A. Yes.

Q. What?

A. Oda's gang, \$174.70 on the "Kaimiloa."  
[1961—1129]

Q. What was that for?

A. For putting in the bitts and the chock. We had to return her in as good order as we found her.

Q. Any other items for labor?

A. The other item of damage is shown in the iron work, \$136.74.

Q. What is that for?

A. That's windlass. I know we done some work on the windlass and straightening out our davits.

Q. Windlass of what?

A. Windlass of the "Concord" and when we

(Testimony of Frederick C. Miller.)

smashed our boat on the "Makee" we also smashed our davits and we had to take them davits out and send them up to the ship to be straightened out.

Q. What has that to do with the item, \$136.74?

A. That item, \$136.74, covers the iron work that was done, that we'd broken or bent or damaged.

Q. Those two things. Any other repairs done for that money?

A. No, this blacksmith's work, \$32.50.

Q. I'm speaking of general windlass repairs.

A. No, none other.

Q. Was there any other work, bills for work and labor?

A. None other except what I've mentioned.

Q. You've talked about blacksmith's work, what do you mean?

A. I know that was \$32.50 for an iron band and shackles for the buoy for the big anchor.

Q. Why did you repair that?

A. We didn't repair that, we lost the whole thing.

Mr. OLSON.—Well now, I move to strike if the Court please, on the ground it is incompetent, irrelevant, and immaterial.

Q. Was this done before the "Celtic Chief" was afloat?

A. This was done before the "Celtic Chief" was afloat. We lost the buoy and the bands and everything.

Mr. OLSON.—Move to strike on the ground it is incompetent, irrelevant, and immaterial. [1962—1130]

Q. Is there any other labor item that you know of?

A. No, except the iron bitts for the "Kaimiloa."



(Testimony of Frederick C. Miller.)

Q. Well, that's not labor though.

A. No other labor.

Q. Now then, begin, if you will, and give us any items that you have not yet given with regard to the cost of material used in repairing?

A. That I haven't got here in this list and can't give you because we took some of them from our own yard and the lumber and other material that we used I find is so mixed up with bills for other work, We were buying lumber from Allen and Robinson and from Lewers & Cooke at the time and it was so mixed up with other work that it was impossible for me to segregate it.

Q. You spoke of bitts, what were you referring to?

A. Iron bitts for the "Kaimiloa." That was damaged. We had broken them that night laying alongside the "Celtic Chief."

Q. And where did you get those bitts?

A. I think originally I got those from the Honolulu Iron Works.

Q. What did you pay for them?

A. I've got down here \$86.00. I don't know where I got it from.

Mr. OLSON.—I submit that's incompetent, irrelevant, and immaterial unless it appears that the witness is able to testify of his own knowledge what it cost. He's said himself he don't know.

The COURT.—I was going to ask him if he knew.

A. Your Honor, I can't recall it.

The COURT.—Motion is granted.

Q. Now, Captain, how long have you been dealing in such articles as iron bitts on ships?

(Testimony of Frederick C. Miller.)

A. A long time. I've bought a lot of them.

Q. Have you sold a lot? A. No.

Q. Bought a lot. Did you see this bitt yourself?

[1963—1131]

A. I saw it. You bet your life I did. It's on her now.

Q. Do you know the size of it?

A. Sure I do.

Q. Do you know what a bitt like that was worth in the market in 1906, in December 1909?

A. That's what I put down here as, to the best of my judgment it was worth in the market. I couldn't find the original bill.

Q. What was a bitt like that worth in the market at that time? A. \$86.00.

Q. Now then, was there any other material that was used in connection with salving the "Celtic Chief"?

A. Here's another damage of \$11.38 on the "Elizabeth."

Q. What do you mean by that?

A. That was a bill of Sorensen & Lyle for something they done I don't know if it was for hauling her out or what.

Q. That was the time she tore the snag off in connection with salving the "Celtic Chief"? A. Yes.

Q. Do you know whether that was paid or not?

A. I do, I know it was paid.

Q. Was it worth that amount of money? Do you know whether or not it was worth that amount of money?

(Testimony of Frederick C. Miller.)

A. I thought it was the cheapest job I ever had done.

Q. You saw what was the matter?

A. I know they hauled her on the dock and I know they didn't charge anything for hauling her on because one of the Inter-Island boats was being hauled on at the same time. As a rule he charges \$10.00 for hauling up the "Elizabeth" and he didn't charge me anything this time and he only charged for fixing the scag.

Q. Have you had experience in having boats repaired? A. Yes, I have.

Q. Did you see what the matter with the "Elizabeth" was at that time?

A. I didn't see it at that time [1964—1132] no, sir.

Q. Did you see what work had been done to it?

A. I did.

Q. If you know, was that a reasonable charge for the work done? A. A very reasonable charge.

Q. Captain, how were your men fed on that boat?

A. Fed? We had to send ashore to get our grub.

Mr. WEAVER.—I withdraw the question.

Q. What wages did—was anything—was any other item in your books with regard to damages by the "Celtic Chief" and material. Confine yourself to things other than you've spoken of.

A. As I said before, there was other material used that we took away from our yard that we had in stock there and I made no mention of. Here, for instance, we put the windlass. It's only labor that's charged for that windlass. We had up in the yard

(Testimony of Frederick C. Miller.)

a windlass that came out of a vessel that was wrecked and nothing wrong with it and we've only charged for the labor and the lumber and there's no charge and no item and nothing on this list for the reason that I stated before.

Q. You have testified with regard to a wire rope which connected the buoy with the large anchor and that that wire rope or cable was injured by the "Arcona." Now, have you made any charge in the list of that rope or not?

A. No, I stated here, if I remember right, when Mr. Olson cross-examined me about the value of that and we took it then from Roebins book. If I remember right, it was about twenty fathom of five-eighths rope. I haven't got it in this list because I didn't have the bill for it and I've got nothing except that I know to be a fact.

Q. Did you use any manilla rope in connection with the "Celtic Chief" job? A. Yes, I did.

Q. Was any of it damaged and if so how much? What was the value of it?

A. There was one coil of rope that we busted up beyond use for anything except for—on the "Kaimiloa." On the boats laying alongside we broke a [1965—1133] brand new six-inch rope there. Our main hawser, our main fall, our seven-inch main fall was stretched so it wouldn't be of use again except for mooring lines and the same way with our five-inch. The three and a half inch belonged to the ship, but we used up one coil of six-inch, one coil of seven-inch and one coil of five-inch.

Q. Well, what was the value of that stuff?

(Testimony of Frederick C. Miller.)

A. I've got it on that memorandum that I got there. It was about ten cents.

Q. I show you your own memoranda in your own handwriting.

A. I made the memorandum because I took it right from the Inter-Island Company's bills, \$479.85.

Q. What is that? How do you make that figure?

A. From the weight of the rope at ten and a half cents a pound I testified the other day that the price of the rope was ten cents, but I find from the bills they charged me  $10\frac{1}{2}$ .

Q. Can you give any more details?

A. The weight of the rope at  $10\frac{1}{2}\text{¢}$  a pound, that's how I got that item.

Q. That's all the details you can give having the memorandum from which you made the item, \$479.75?

A. Taking it right from the Inter-Island Companies bill.

Q. Can't you give us how many pounds of rope you got from them at  $10\frac{1}{2}\text{¢}$ ?

A. No, because the seven-inch weighed so much and the five-inch so much, and the other, the six-inch weighed so much. Each coil has a different weight according to the circumference.

Q. Now, will you say whether or not you have any other items of materials than those you've testified to? A. There is a towage bill I paid.

Q. I said items of materials, Captain.

A. Unless you call grub material, food material.

Q. That's material if you're hungry. What did



(Testimony of Frederick C. Miller.)

you do with regard to that?

A. With food. [1966—1134]

Q. Yes.

A. I sent ashore in our launch and bought *poi* for the men and other stuff for which we have the bills.

Q. Give us the items, what you bought and what you paid.

A. Lin Sing's bill for food, \$21.90, Ling Sing's bill for food \$4.95, Kalihi Poi Factory, \$9.00.

Q. What was that *poi* used for?

A. Used for our labor.

Q. Where? A. On the "Celtic Chief."

Q. Was there any other material?

A. One more item of food for men, \$15.00. I got that myself, a little different, for the men. I wanted some of that myself. I sent and bought it myself and paid for it myself.

Mr. OLSON.—I move to strike on the ground it is not an item of the Miller Salvage Co.

Q. What was that used for?

A. That was used for myself and I had one or two white men and I didn't want to give them the *poi* and other stuff, cheaper food that we was giving the men. I remember perfectly well the boiled ham and the pie and cake I got for myself.

Q. How long did that sustain you.

Mr. OLSON.—I object on the ground it is incompetent, irrelevant, and immaterial.

Mr. WEAVER.—Withdraw the question. How long did that last?

A. Didn't last long because the crew of the "Celtic Chief" got the ham and I only got one piece.

(Testimony of Frederick C. Miller.)

The COURT.—I'll overrule the objection at this time.

Q. In what capacity, Captain, how was that used, that food, as a—

Mr. OLSON.—He's testified how it was used.

Q. Captain, did you buy that?

Mr. OLSON.—I object to the question on the ground it is leading.

Q. What capacity did you use that food in? What capacity did you buy that food as, Captain Miller personally? A. No, no. [1967—1135]

Mr. OLSON.—Object to the question on the ground it is leading.

The COURT.—Objection sustained.

Q. In what capacity did you buy that food?

A. As an employee of the Miller Salvage Company.

Q. You bought it and charged it to them?

A. When I say I bought this personally, I don't mean to say I went ashore and got it. I gave one of the launch men an order to get me boiled ham and go up to the Palm Cafe.

Q. You gave him the money?

A. I gave him the money and paid it myself. These other bills of Lin's were paid by the Miller Salvage Co.

Q. Did the Miller Salvage Co. afterwards pay you that \$15.00?

A. The Miller Salvage Co. paid me those \$15.00.

Q. When did they pay that?

A. I made charge of it, it's in the books.

Q. Any other items, Captain?

(Testimony of Frederick C. Miller.)

A. Unless gasoline and oil.

Q. That's material. What did you use it for?

A. I know I got a gasoline bill, here it is, gasoline and oil \$15.00, for the launches.

Q. What were this gasoline and oil used for, Captain?

A. For our launches while tending on the "Celtic Chief."

Q. And at any other time was that oil used?

A. No other time except those three times.

Q. Well now, you've spoken of these launches. You had a launch I believe you testified to Young Bros., paid \$50.00 for Young Bros. launch for what work.

A. When our launch broke the scag off her while we towed in one of the boats and towed her out again.

Q. Is that all the work they did for \$50.00?

A. That's all they did. I don't know just why they towed, how many times they towed for that \$50.00. I don't recollect about that \$50.00. I remember perfectly well that our launch broke down then Young Bros. launch took her in.

Q. Did you pay that \$50.00?

A. I paid it myself. I paid [1968—1136] that into Dillingham's office. I didn't pay it to Young Brothers. I paid it at Dillingham's.

Q. For whom?

A. I paid the Dillingham's cashier.

Q. For whom?    A. For Young Brothers.

Mr. WEAVER.—That finishes my examination reserved on direct. I ask permission to ask the question which on direct I forgot.

(Testimony of Frederick C. Miller.)

The COURT.—Very well, I allow it.

Mr. OLSON.—My objection has already been passed upon on that point, I think.

Q. Captain, will you take your own memorandum now and tell me of any details of work in connection with the “Celtic Chief” other than that you have given that you know of your own knowledge.

Mr. OLSON.—If the Court please, it seems to me this is not proper examination at this time. If counsel has some specific line.

Mr. WEAVER.—Withdraw the question. Do you know William C. Brown? A. Yes.

Q. Who was he? A. Engineer.

Q. On what? A. On the “James Makee.”

Q. Was he working in connection with the salvage of the “Celtic Chief?”

Q. How long did he work in that connection.

A. Two weeks.

Q. What was he doing in that two weeks?

A. Four days, if I remember right, four days the “James Makee” was employed there in the direct salving of the “Celtic Chief” and then we was picking up that wire. After she got in and got to the wharf we had to go out there again and look for our anchor and pick up our anchor.

Q. How long ago was that?

A. I think that that was two days. When we came back to the dock, we drew down our boiler and stopped his engine and took her to the landing.

[1969—1137]

Q. What do you mean, drew down the boiler?

A. Well, if a ship goes alongside the dock to-day

(Testimony of Frederick C. Miller.)

you can't pay that man off and let him jump off that ship with the boiler heated, he wants to draw his fires. That man was never employed on that ship before, just those two weeks and never been on the ship before or since.

Q. How was he indicated on the ship?

A. No characteristic, he's called a mere engineer for one or two days. His pay is \$150.00 a month and he got two weeks' pay.

Q. Why did he get two weeks' pay?

A. I'm trying to account for it. He was four days on the "Celtic Chief," two days on the anchor. He was another day mooring the ship in the stream. He probably took another day putting his boiler and engine in shape again before he was paid and I paid him \$75.00 for that job.

Q. Do you know who was engineer on the "Mokolii"?

A. The engineer on the "Mokolii" was a man named Abbie, Joe Abbie.

Q. How long did he work and what did he work for?

A. If I remember right he was getting \$85.00 a month, I think that was his pay.

Q. How long did he work as engineer in connection with the "Celtic Chief" job?

A. I think he worked two or three days, I don't remember.

Q. Did you have to pay anything for wharfage while you were discharging from your lighters?

A. Yes, we did.

Q. What did you pay?



(Testimony of Frederick C. Miller.)

A. We discharged what was known *known* as Hackfeld wharf and we paid \$24.00.

Q. Captain, you have testified you had to get a new drum for floating the, for the larger anchor. Where did you buy that?

A. I didn't testify to a new drum. It was a second hand drum. I bought it from the Standard Oil Company. They charged me \$10.00. When I [1970—1138] said \$11.00 the other day I was telling the best of my remembrance. I found the bill for it and the bill says only \$10.00.

Mr. WEAVER.—That's all.

Recross of MILLER by Libellee.

Mr. OLSON.—Q. These repairs to the "Concord" and the other boats which you have testified to performed by Oda's gang were all repairs made necessary by damage done in the course of lightering the cargo? A. Yes.

Q. The cargo that was taken from the "Celtic Chief" and put ashore?

A. No, not at all from that, I didn't say from lightering the cargo because I haven't segregated what occurred from lightering the cargo and what occurred from going alongside or bumping into her.

Q. You went there to lighter cargo, didn't you? That's what you brought those boats out for, was to lighter cargo?

A. No, we brought two of them out to lay moorings.

Q. Did you suffer any damage to those boats while you were laying moorings?

(Testimony of Frederick C. Miller.)

A. I'm trying to think whether any of that was incurred while we was laying the moorings or not and I'm not prepared to say.

Q. Isn't it a fact that you, that all this damage was suffered while they were alongside the "Celtic Chief"?

A. I don't know, but most of it was.

Q. Wasn't it all done taking cargo on?

A. I don't know.

Q. You don't know what part of it was done?

A. No, I don't.

Q. Some was done while she was taking out cargo and some was done otherwise?

A. We may have done some otherwise and I'm not prepared to say now.

Q. Is the same true as to work done by Suzuki on the "Concord"? [1971—1139] Was that damage so repaired done while the "Concord" was taking cargo from the "Celtic Chief"?

A. All the damage done to the "Concord" was done while she lay alongside the "Celtic Chief" lightering her up.

Q. Lightering cargo?      A. Yes.

Q. And the windlass which the John Neil Iron Works, the installation of the windlass and the straightening of the davits done by the John Neil Iron Works Company, was the damage so repaired caused in the course of lightering the cargo of the "Celtic Chief"?

A. That was caused, the windlass was done on the "Concord" by reason of her laying alongside the

(Testimony of Frederick C. Miller.)

“Celtic Chief.” The davits was the “Makee’s” davits.

Q. It was all in the course of lightering cargo from the “Celtic Chief”?

Q. And the windlass? A. And the windlass.

Q. Now, this work done on the Elizabeth by Sorenson & Lyle, the tearing away of the scags, how was that damage suffered? A. Now, I think—

Q. Where were you at the time?

A. I was on the “Celtic Chief.”

Q. You were not on the “Elizabeth”?

A. No, sir.

Q. Did you see the scags torn away?

A. No, I never saw the scag torn out.

Q. You don’t know when they were torn out? I’m asking you if you saw those scags torn out.

A. No, sir.

Q. You didn’t see it done? A. No, sir.

Q. You don’t know of your own knowledge when they were torn out? I’m asking you if you, of your own knowledge, know when those scags were torn out?

A. No, I don’t know of my own knowledge.

Q. Now, these iron bitts that were replaced on the “Kaimiloa,” [1972—1140] when were those torn out? Were they not old, broken bitts?

A. She had had a new set of iron bitts put in her just about—

Q. I want to know when the bitts were torn out.

A. That night.

Q. While you were lightering cargo?

A. While we were lightering cargo.

(Testimony of Frederick C. Miller.)

Q. And the "Kaimiloo" was then engaged in lightering cargo? A. Yes.

Q. What about these ropes you have spoken about, the seven-inch manilla, a six-inch manilla, a five-inch manilla, all manilla, hawsers that were broken in connection with the "Kaimiloo" and other boats, they were all broken in the course of lightering cargo?

A. One brand new manilla six-inch line was busted by the hauling on in lightering the cargo, this seven-inch line, the five-inch line, and the three and a half-inch line.

Q. Which didn't belong to you?

A. No, it didn't belong to us.

Q. Confine yourself to lines which belonged to you?

A. Well, I'm telling you that we had another coil of 3½-inch line that belonged to us. These lines were stretched so bad we could not use them again for like purposes.

Q. Where were they damaged?

A. In the pulling of the "Celtic Chief."

Q. On your purchase? A. On our purchase.

Q. They were stretched, were they? A. Yes.

Q. But not broken? A. They were not broken.

Q. Do you know what their value is or was after the "Celtic Chief" operations?

A. I can give you an approximate idea.

Q. Can you state what that was?

A. They were only a third of what they was when they were [1973—1141] new.

Q. How do you make that out?

A. I'm trying to think how to tell you, but we figured on your rope, if it's just stretched, if it's only

(Testimony of Frederick C. Miller.)

been badly stretched it would be worth a third of what it would be if it was new.

Q. Don't you think that those lines were worth \$150.00 after you got through with your work?

A. No, I don't.

Q. Worth \$50.00? A. I say they were.

Q. Were they worth more than \$50.00?

A. I wouldn't pay more than \$50.00. I think they were worth a third of what they were when new.

Q. What line was broken up in the course of light-  
ering? A. Six inch.

Q. And what were the lengths of these coils?

A. Anywhere from 120 to 125 fathoms.

Q. The seven-inch coil and five-inch coil together would be worth practically twice as much as one six-inch line when they were new? A. Yes.

Q. So that those two together would be worth two times the \$489.75 that you testified to as the value of those two lines; is that right?

A. Whatever I paid for those three lines.

Q. I'm asking you if it isn't true that if the seven-inch line and five-inch line together would be worth twice as much as the one six-inch line? Isn't it the fact that the two lines together would be worth two-thirds of the value of the seven-inch *inch*?

Mr. WEAVER.—I object, it's a kind of mathematical puzzle.

Q. Can't you answer my question?

A. No, I don't know.

Q. You said that the value of those was \$479.85?  
[1974—1142] A. I did.

Q. And you said, did you not, that the seven-inch



(Testimony of Frederick C. Miller.)

line and the five-inch line were worth twice as much as the six-inch line?     A. Approximately.

Q. That would make those two lines worth two-thirds of the whole?     A. Yes.

Q. And two-thirds of \$479.85 is \$310.90, isn't it?

A. I think so.

Q. Now, then, if that is so and lines that are stretched after that sort of use that you've spoken of are worth one-third, that would make them worth over a hundred dollars?     A. Probably.

Q. So that when you said that they were worth, in your judgment, \$50.00, you were wrong?

A. I'd pay \$50.00.

Q. You said in your judgment they were worth \$50.00?     A. I say so now, they are worth that.

Q. But they were worth over a hundred dollars at the time you got through?

A. They were worth what anybody would pay. They would be worth that to me.

Q. A hundred dollars?

A. They would be worth about a hundred dollars.

Q. But you were prepared a few moments ago to say that they were worth \$50.00?

A. I said they were worth.

Q. They might be worth \$150.00?

A. If a man wanted them bad.

Q. To you?

A. If you want to know what I think, they were worth just one-third, Mr. Olson. I tell you just exactly what's right.

Q. Why didn't you make that deduction when you gave those figures, that figure \$479.85?

(Testimony of Frederick C. Miller.)

A. Why didn't I?

Q. Yes. A. I didn't think.

Q. You were making a claim for \$479.85 for ropes without [1975—1143] any deduction?

A. I did; I'm willing to make that correction right now without any question about it.

Q. What about this other rope, this six-inch rope, what did you do with that piece?

A. I only guess; I think we used them for fenders, probably. That's what we used our old rope for as a rule.

Q. What became of the iron bitts that were torn out of the "Kaimiloa?" A. They were broken.

Q. They were not worth anything? A. No.

Q. What became of the windlass that was torn out of the "Concord"?

A. I think a piece of it lies out in the yard, the Oil Tanks yard, in the Dowsett yard.

Q. What is the value of that windlass at the present time? A. Nothing.

Q. Absolutely or—

A. Absolutely nothing whatever.

Q. Not even the gear?

A. The fact that I've left it there is proof of that. If it had been worth anything I'd take it back.

Q. Was this food consumed during those days out there?

A. There was some of it that was taken by the crew of the "Celtic Chief." She was a hungry ship, and they didn't have anything to eat themselves aboard, and I think they got some of our food.

Q. Who gave it to them?

(Testimony of Frederick C. Miller.)

A. I don't remember that now. We surely didn't give them that ham; they swiped that.

Q. Who gave them the food that was given?

A. I didn't say that it was given to them.

Q. Was it all stolen?

A. All the food that we, all that was left. There was none of it left when we come back. [1976—1144]

Q. How much gasoline and oil was there?

A. The quantity is stated in the bill.

Q. Do you *know much* in quantity was furnished?

A. I know how much was furnished.

Q. In quantity? A. Yes.

Q. How much?

A. I know because that receipt.

Q. I'm asking you of your own knowledge.

A. No, I don't.

Q. You don't know how much gasoline and how much oil? A. I only know what they charged me.

Q. Who got it from the company that supplied it?

A. ———, the man on the dock.

Q. You didn't? A. I didn't.

Q. Who ordered it? A. One of them ordered it.

Q. You didn't order it? A. No.

Q. When did they order it?

A. The first time we went out to the "Celtic Chief" Lonche told me that he would have to fill—

Q. I'm not asking you what somebody else told you; I want to know definitely if you can tell when it was ordered. A. The first day out there.

Q. You don't know which man ordered it?

A. No.

(Testimony of Frederick C. Miller.)

Q. Because you didn't hear who gave the order?

A. No.

Q. You don't know of your own knowledge whether so much gasoline or oil was ordered?

A. No, I do not.

Mr. OLSON.—Move to strike out all the testimony in regard to gasoline and oil because it appears from the witness' testimony it is purely hearsay.

The WITNESS.—Surely a launch would never leave without gasoline and oil.

The COURT.—It seems to me on the evidence presented so far the motion will have to be granted, but if Judge Weaver can [1977—1145] bring me another witness here to testify I will allow the evidence to stand if the parties make it up by competent evidence.

Q. Now, what vessel was it that Brown was engineer in? A. "James Makee."

Q. And you say you know, do you, that it did take this actual amount of time that you have testified to, four days in connection with the salving of the "Celtic Chief?" A. I know it.

Q. You know that of your own knowledge.

A. I know that of my own knowledge.

Q. Can you produce the certificate of the department which permitted you to use the engine of the "Makee"?

A. I never said I used the engine of the "Makee."

Mr. WEAVER.—I object to that as incompetent, irrelevant, and immaterial.

The COURT.—I allow the question.

Q. Can you produce the certificate showing when,

(Testimony of Frederick C. Miller.)

according to the license given to you by the United States authorities, you were permitted to again run the "James Makee"?     A. Can I produce it?

Q. Yes.     A. Yes, I can produce it.

Q. Do you know when it was that that license was given to you?

A. About the 9th or 10th, she came off the 9th I think.

Q. It was the 10th that you were given the license?

A. Yes.

Q. You are sure of that?

A. To the best of my knowledge.

Q. Might have been 10th, 11th, or 12th?

A. Might have been.

Q. Might have been the 15th, as a matter of fact.

A. No, no, that's too late.

Q. Now, then, Captain Miller, what did you mean by saying that it would take one day for him to allow the engines to cool down?

A. I mean not the engines to cool down, I mean the boiler. [1978—1146]

Q. What boiler?     A. The "Makee's" boiler.

Q. Which had been used for what purpose?

A. Salving the "Celtic Chief."

Q. What else?     A. And picking up that anchor.

Q. And you think it would take a whole day for that boiler to cool down?

A. I do not think, I know.

Q. And it took you how long to find that anchor?

A. I think we went out at eleven or twelve, I'm not sure, Mr. Olsen, and it didn't take us two whole days.

Q. How long did it take?



(Testimony of Frederick C. Miller.)

A. Just how long it took to find the anchor, I don't remember, but we came back from the "Celtic Chief," if I remember the time, between eleven and twelve we had that anchor and we brought it back.

Q. Same day that you went out? A. I think so.

Q. And when you got back what did you do, take her out to a mooring?

A. No, put the anchor on the "Makee," kept it there and we had to use the engineer.

Q. As a matter of fact you went out on one day, got the anchor and got it over and put on the shore?

A. No.

Q. The next morning?

A. We did it the next day.

Q. How long did it take you to do it. To put the anchor line, the anchor, and gears?

A. I should say a couple of days.

Q. I'm not asking about the total length of time. You have said in one day you got that anchor and put it on deck, and the next day you put the anchor and gear ashore.

A. But it took two days to do it. It spoiled two days.

Q. Did it take you all of two days?

A. I'm not prepared to say whether it took from Monday from seven to five.

Q. How long did it take you to get the "Makee" from the wharf?

A. It took us, I should say, about ten minutes.  
[1979—1147]

Q. But it didn't take you a whole day to get her over? A. Yes, it does.

(Testimony of Frederick C. Miller.)

Q. How does it?

A. To get out to the stream we got to drop one anchor and drop another anchor to get a good stem hold and run out stern lines.

Q. What were you doing with your boiler and engines at that time?

A. Using the pumps and windlass.

Q. What then?

A. I think then we used some of the engines. I think the inspectors had given us our license so that we were using our own steam.

Q. It took you ten minutes?

A. From the time we left the Hackfeld dock and got over, it took ten minutes.

Q. Then you had two anchors to drop?

A. It took us some time.

Q. Didn't you testify here that it wouldn't take you over ten or fifteen minutes to drop your ordinary anchors of the "James Makee"? A. Yes.

Q. And you say it would take two hours?

A. Sometimes it takes two hours when we lay them as we had.

Q. What else did you do?

A. We got to get our stern moorings.

Q. How did you do that?

A. I got the boat alongside and run a line to one of them two anchors.

Q. How long did that take?

A. That took us anywhere, according to the number of men, from an hour to three or four.

Q. How long did it take in this case?

A. I don't know.

(Testimony of Frederick C. Miller.)

Q. Which would be done first, laying of those lines or the anchors? A. We dropped the anchors first.

Q. And for the purpose of running out those lines astern, that you speak of, how did you do that, with other boats? A. With other boats.

Q. You took those lines in those smaller boats and took them out to the place where you wanted to make them fast? [1980—1148] A. Yes.

Q. What else did you do in the mooring of that ship? A. Then we run out wire hawsers in ships—

Q. Captain Miller, I'm asking you some definite questions. What else did you do in connection with the "James Makee"? Did you run out wire hawsers? A. Sure, we did.

Q. How many?

A. Put out two, one from each quarter.

Q. How long did that take?

A. It takes anywhere from an hour to two hours—three hours.

Q. Which was done first, running of those lines astern or those lines to the sides?

A. The first lines we run out was a small line to heave the other lines.

Q. That was after you laid the anchors?

A. That was after we laid the anchors.

Q. What was done besides that?

A. I guess we stopped the box up.

Q. That's all? A. Possibly.

Q. So, as a matter of fact, the drawing of your boilers couldn't have taken more than a day at the utmost, four or five hours on the morning of the day that you took the "James Makee" out to her mooring?

(Testimony of Frederick C. Miller.)

A. Probably the utmost would not have been after one or two o'clock.

Q. And it would take from one or two o'clock until the evening or the next day?

A. It wouldn't have cooled down after five o'clock. A man don't work after five o'clock. The probabilities are he would come the next day and cool off the boiler.

Q. There would be nothing for him to do when he got back? A. Sure.

Q. What would he do?

A. He would want to see inside of it to see if it was left all right.

Q. How long would that take? [1981—1149]

A. I don't know.

Q. How long would it take and how long did it take him? A. I paid that man \$75.

Q. I'm asking you what time he spent out there. You don't know how much time he spent out there?

A. I know he spent two weeks altogether.

Q. What was he doing outside of these eight days that you've testified to? You've testified to four days' salvage; where did you get those four days' salvage?

A. It was three days, I think, she was altogether. was three days on the "Celtic Chief" and two days picking up her anchor, and day going out there, and getting her back here to the mooring, that's all.

Q. About six and a half days? A. Possibly.

Q. Just about six and a half? A. Possibly.

Q. Now, where does the other seven and a half days come in? A. I can't recall.

(Testimony of Frederick C. Miller.)

Q. The fact of the matter is, you paid two weeks' wages when as a matter of fact he did not work more than six and a half? A. Maybe that's so.

Q. That is a fact?

A. I will say I paid him \$75.00 for services.

Q. And the rate at which he was working was \$150.00 a month, and you can't recall more than six and a half days.

A. All I can recall is what I paid him for.

Q. All you can recall is six and a half days?

A. That's what I have recalled for a certainty.

Q. Was there anything else? You're asking the respondents in this case to reimburse you to the extent of \$75.00, and we are entitled to know what you paid that \$75.00 for.

A. And I'm showing you a receipt that I paid this man \$75.00.

Q. There is no receipt in evidence, and we're asking you to [1982—1150] testify of your own knowledge.

A. No, I don't see; six and a half days is all I can account for.

Q. As far as this amount is concerned?

A. That's all I can account for now as far as that amount is concerned.

Q. Now, you have said, Captain Miller, I think, that you yourself dug out the items that you have been testifying to here from your books of the Company? A. That's what I did.

Q. You yourself?

A. I myself dug them up. I haven't seen the bookkeeper. I haven't seen him.



(Testimony of Frederick C. Miller.)

Q. You don't keep the books of the Miller Salvage Company?      A. No, sir.

Q. You don't know whether the items there are correctly entered?      A. No, I don't.

Q. You don't know what the books are kept like?

A. I've had them audited by Davis.

Q. I'm asking if you know yourself.

A. No, I don't.

Q. So that you don't know that these are the correct items except as your books show it?

A. I remember some of the items. I saw the men paid.

Q. But you don't know the exact amounts?

A. No.

Mr. OLSON.—I move to strike all the testimony of the witness, if the Court please, as to the repairing of these vessels, the payment of labor and employees, and so forth, on the ground that they are based on hearsay testimony and not within the actual knowledge of the witness.

I'll withdraw my motion and I'll restate it. I move to strike all of the testimony of this witness as to amounts paid to labor upon the repairs and in connection with the repairs, for employees, and for food, specifically excepting [1983—1151] the amount that he has testified to as the value in his judgment of the iron bitts replaced on the "Kaimiloa," the value of the manilla hawsers which were used, the Young Brothers, towing, and the wages paid to the two engineers, and the \$15.00 for food which the witness has testified he purchased himself, he had purchased himself.

(Testimony of Frederick C. Miller.)

Now, then, on the ground that the testimony is hearsay, based upon hearsay and not with the actual knowledge of the witness, he not being the book-keeper of the company and having testified that he does not know whether these figures taken from the records of the company, are correct, or correctly entered and he does not know whether or not the books of entry are kept correctly.

The WITNESS.—Pardon me, Mr. Olson, one minute.

Mr. OLSON.—There is a motion before the Court, if the Court please, and the witness has made everything clear what his knowledge is in this respect and I take it it isn't proper for him to volunteer any testimony.

Q. Captain Miller, to whom were these receipts given for the labor performed that you say you saw paid Oda's gang?

A. Oda's gang received the money.

Q. Upon how many different occasion was it that you saw Oda's gang paid?

A. On every occasion off and on for two or three years, yes, for three years.

Q. And you've seen them paid yourself personally?

A. I've seen them paid myself personally and, as a rule, took back the receipt of the Japs gang back to the office myself.

Q. But in this case Vannatta was the man who made the payment and the receipts were handed to him?

A. I'm not prepared to say whether the receipts were handed to Vanatta or not.

(Testimony of Frederick C. Miller.)

Mr. OLSON.—There you've got it, if the Court please; the witness is unable to say.

Q. Let us get it still further. Do you know whether or [1984—1152] not those receipts were given to Vanatta? A. No, I don't know.

Q. Who signed them?

A. I cannot quite get the name the name on the paper.

Q. And which is the name? A. Oda.

Q. How do you know he signed them?

A. Because I saw him.

Q. Who prepared those receipts?

A. The receipts were prepared by Vanatta.

Q. By him given to Oda?

A. No, my recollections are, Mr. Olson, that Vanatta gave me the money and the receipt and I turned the money in to, whatever the name is, over to the foreman of the gang and took his receipt back. That's my recollection.

Q. Do you know that that's so?

A. I know that that is so by two ways.

Q. But you don't know if that is so in this particular case?

A. Sometimes Vanatta paid him himself and took his receipt.

Q. And you are not prepared in this case to say what was the fact in that respect, whether it was you or Vanatta? A. That's so.

Mr. OLSON.—It is hereby stipulated and agreed between counsel for the Miller Salvage Co. and counsel for the "Celtic Chief," that the testimony covered by the motion to strike remain in the record and to

(Testimony of Frederick C. Miller.)

be considered by the Court only in case the Court finds it is legal proof of the items therein referred to. Does counsel for the Miller Salvage Co. agree to that?

Mr. WEAVER.—I'll agree to that if your Honor will consent to it.

Mr. OLSON.—Counsel for the Inter-Island Navigation Co. also has no objection to that stipulation he says. With that stipulation in the record, if the Court please, I close with my cross-examination.  
[1985—1153]

Mr. WEAVER.—Q. Captain, do you remember any one item that was paid and receipts given for, exactly only refreshing your mind from the receipts, except these that were accepted by Mr. Olson, iron bitts in the "Kaimiloa," the manilla hawsers, wages paid to two engineers and \$15.00 for food. Is there any other item that you are certain of seeing the money paid and having the receipt taken?

A. The hire of the "Kaimiloa" should be down there.

Q. You saw the hire of the "Kaimiloa." Any other one that you have not testified to but that you are certain of the amount and certain of taking the receipt?

A. I'm certain of that because I settled that myself.

Q. You remember on cross-examination you said you refreshed your mind in some way or other; is there any item except those accepted, iron bitts, manilla hawsers, wages paid to Abbie and Brown and \$15.00 for food; that you remember?

(Testimony of Frederick C. Miller.)

A. Of paying myself?

Q. Yes, or present when the money was paid?

A. I can't say that I do.

Q. Do you remember the receipts being given?  
When you referred to vouchers what were they?

A. They were the original receipts and that's the only way I could remember them items by digging them out of that book of original receipts.

Q. Is there any item except those three where you saw receipts given at the time?

A. I drew the cheque myself for John Neil's workshop.

Q. To whom did you make it payable?

A. Made it payable to John Neil.

Q. What was the amount? Do you know the amount at this time?

A. The only way I can remember any one of those amounts is by looking back at the original receipts.

Q. How did you get the receipt? [1986—1154]

A. By taking him the cheque and making him sign the receipt for it.

Q. Do you know what relation the amount of the receipt had to do with the amount of the cheque?

A. If it hadn't been right I wouldn't have paid him.

Q. Do you know whether it was right or not?

A. Sure, I know it was right.

Q. In regard to these other receipts, what have you to say?

A. There isn't a dollar in that list that we paid—

Q. Here's a list in your own handwriting.

A. I was going to say there isn't a receipt in that



(Testimony of Frederick C. Miller.)

book for money paid by the Miller Salvage Co. if I knew it was wrong it wouldn't be paid. Every entry in those books and all receipts have been audited by Henry Davis.

Mr. OLSON.—I move to strike.

The COURT.—This last statement will be stricken.

Q. I hand you a memoranda in your own handwriting and ask what that is.

Mr. OLSON.—If your Honor please, the testimony already shows this is a memorandum made by the witness within the last two days.

The COURT.—The objection is sustained.

Q. I ask you, Captain, if any items from your receipt or any other memorandum you have from which you can testify the amount of money paid for services or material of your own knowledge.

Mr. OLSON.—It isn't proper redirect, if the Court please. I object on that ground.

Mr. WEAVER.—Withdraw it. Can you tell us any instance or any item, Captain, where you can of your own knowledge say that the amount of the receipt corresponds with the amount paid by you or the Miller Salvage Co., speaking from your own knowledge and not from what you learn from the books, using [1987—1155] the receipts. You may use the receipts or other memoranda.

A. If I can take the receipt-book. Now, every one of those we've got a receipt for they are all right or I never would have paid them.

The COURT.—That last part will be stricken.

Q. Please say whether or not there is any item you can tell from looking over the receipts, that you ac-

(Testimony of Frederick C. Miller.)

tually paid with money or whether you depend entirely upon the receipt. What do you depend on?

A. I depend upon the man's signature to the receipt that he got the money.

Q. Is there any case that you know yourself?

A. Yes, half a dozen.

Q. Give us some.

Mr. OLSON.—He's already testified as to those, given them specifically.

Q. Now, give us these items.

A. Now, Oda's gang—

Mr. OLSON.—Now, if the Court please, we've gone into that matter on cross-examination and direct examination.

A. I want you to understand me, in two years or three years time there's probably a half a dozen times, maybe more, when I wasn't here to pay those men off and Vanatta then paid them off, and when you ask me for that specific time I might not have given him that money that time.

The COURT.—Were you here at that time when Oda was paid?

A. I was here when Oda was paid at that time.

Q. You yourself say that it may be Vanatta handed him the receipt?

A. He may have handed it back to Vanatta and may have handed it to me.

Q. And you don't know whether or not you examined those?

A. I was keeping the time of Oda's gang.

Q. Did you examine those receipts?

A. Whether I examined the payroll? [1988—  
1156]

(Testimony of Frederick C. Miller.)

Q. I'm asking about the receipts. Did you, in each specific case, take the receipt from Vanatta or from Oda and read it over to see whether it was correct? A. I can't say as to that.

Mr. WEAVER.—Q. Are there any items in that whole list other than these five exceptions for which you took receipts and of which you know the amount in the receipt is correct of your own knowledge, or knew at that time that the receipt was correct? Any items.

A. I think I paid Sato myself, \$105.00 for Sato's job.

Mr. OLSON.—That, if the Court please, has been covered by testimony of Sato himself.

The COURT.—I will allow the question.

Mr. OLSON.—I note an exception.

Q. Any other?

A. I can't recall now whether I paid any other personally myself. The only thing I know is this book of receipts.

Mr. WEAVER.—That's all.

Mr. OLSON.—No further questions.

Mr. WARREN.—I have no questions.

Mr. WEAVER.—That closes my case with the exception of Oda. I expect to close to-morrow.  
[1989—1157]

Thursday, September 7, 1911.

Mr. WARREN.—In the "Celtic Chief" case, your Honor, we find that one of our witnesses for the Inter-Island, Captain Piltz, is available for to-day and, possibly, an hour or two to-morrow morning, and, by consent, Judge Weaver will withhold the balance of

(Testimony of George E. Piltz.)

his testimony so that we can put on Captain Piltz this morning for the Inter-Island while he is here.

The COURT.—I presume there is no objection on Mr. Olson's part.

Mr. OLSON.—No, I have no objection.

[**Testimony of George E. Piltz, for Libelants.**]

Direct examination of GEORGE E. PILTZ, a witness called on behalf of libellant Inter-Island Steam Navigation Company, and sworn.

Mr. WARREN.—Q. What is your age, Captain?

A. Twenty-nine years.

Q. What's that? A. Twenty-nine.

Q. And what is your occupation? A. Mariner.

Q. How long have you been a mariner?

A. About eighteen years.

Q. In what waters?

A. In all the waters on the Pacific here, sailing to Puget Sound and China coast, South American coast, the Islands, Australia.

Q. And in what capacities have you served at sea?

A. I've served in all capacities in the deck department; that is, from sailor right up to master.

[1990—1158]

Q. How long have you held a master's license?

A. I've held a master's license for what?

Q. For what?

A. For sail. Three years and a half for sail and two years for steam.

Q. You now hold those licenses?

A. I hold the license for master of steam endorsed from the license for sail.

Q. How long have you had that license, Captain?

(Testimony of George E. Piltz.)

A. Sail?

Q. Yes.

A. I've had it three years and a half now.

Q. And there is endorsed on that you say—

A. No, sir. When I had it renewed or when I passed for master of steam, it was endorsed on this master of steam for the sail.

Q. And how long have you served in Hawaiian waters at sea?

A. About ten years in the Inter-Island trade.

Q. In whose service?

A. Well, I served seven years in the Inter-Island and three years in the Walsh & Co.'s firms between San Francisco and the Islands.

Q. The last seven years for the Inter-Island?

A. No, there have been different times.

Q. And you have now been in the Inter-Island service how long?

A. This last time about five years.

Q. What experience have you had in towing vessels and handling them?

A. Well, in towing the ships or steamers towing in and out of Kahului and Hilo, Honolulu here and also on steamers pulling on the "Loch Garve" and this "Celtic Chief." [1991—1159]

Q. What—that is the extent of your experience in salvage, is the "Loch Garve" and the "Celtic Chief"?

A. Yes.

Q. And what part did you take in the "Loch Garve" operations?

A. I was first officer on the steamer "Claudine" while towing on her, pulling on the "Loch Garve."



(Testimony of George E. Piltz.)

Q. Were you present during all those operations with the "Claudine"?

A. Yes, sir; I was on deck all the time when they were pulling.

Q. Did you have anything to do with the operations themselves?

A. Well, I don't know what you call that, but I attended to making hawsers fast, the hawser fast, and attended to the anchors and getting the "Claudine" in position to be able to pull, and so forth. And while we were pulling I was on the bridge pretty near all the time and the captain was all around.

Q. How were you engaged in December, 1909, I'll say at the time that the "Celtic Chief" was ashore?

A. Well, I was first officer then of the steamer "Mikahala."

Q. Inter-Island steamer "Mikahala"?

A. Inter-Island firm.

Q. And do you know the tonnage of the "Mikahala"?

A. About 444 tons register, I think.

Q. And her crew?

A. Beg pardon?

Q. And her crew, how many men?

A. Twenty men.

Q. And officers?

A. One master and two deck officers.

Q. How many anchors did the "Mikahala" have?

[1992—1160] A. We had two anchors.

Q. Do you know their weights?

A. The port anchor was sixteen hundred pounds and the starboard anchor was two thousand pounds.

Q. And how many boats?

A. We had four boats.

(Testimony of George E. Piltz.)

Q. That is these shore boats?

A. Shore boats and working boats.

Q. Did you have any part in the salvage of the "Celtic Chief"? A. Beg pardon?

Q. Did you take part in the salvage of the "Celtic Chief"? A. Yes, sir.

Q. What were the—was the first word or order that you had in connection with working on the "Celtic Chief," as near as you can remember—when you got them and from whom?

A. Well, our orders were to get ready and go to the assistance of the "Celtic Chief."

Q. What time, about, did you get those orders?

A. Oh, about ten o'clock; somewheres after ten.

Q. Do you know the day of the week?

A. On Monday.

Q. You don't know the date, what day of the month?

A. I couldn't very well remember unless I could look at the memorandum that I kept.

Q. December 6, 1909? At least it was the first day the "Celtic Chief" was on the reef?

A. Yes, December.

Q. What time did you get out there where the "Celtic Chief" was ashore?

A. About 10:55, a little before eleven.

Q. What did you observe at that time as to the position of the "Celtic Chief." How was she on the reef? [1993—1161]

A. Well, she was heading in shore with the stern to sea.

Mr. OLSON.—What's that?

A. Stern to sea.

(Testimony of George E. Piltz.)

Mr. WARREN.—And how far aground was she, if you know?

A. Well, I couldn't state how far she was, but I judge that she was completely on fast.

Q. What movement was there, if any, of the "Celtic Chief"?

A. Well, she didn't have much motion to her when we went out there. She—of course, she was swaying a little and inclined to cant around or go around broadside.

Q. How was the sea?

A. The sea was from the southward and striking the "Celtic Chief" on her starboard quarter a little.

Q. About how much on the starboard quarter?

A. Not very much. Say about two points on the quarter.

Q. And how high would you say the swell was?

A. Well, there was considerable swell and the mean height of the swells was about five or six feet high.

Q. The mean height, you say?

A. The mean height.

Q. How high would it be from the highest point of the swell to the lowest dip of the water?

A. Well, it would be ten or twelve feet.

Q. And the direction—when you say the sea was going on the starboard quarter, do you mean the swell?

A. The swell.

Q. And what effect, if any, did that have on the ship that you observed?

A. Well, it would strike her on the quarter. It would drive her broadside on the beach.

(Testimony of George E. Piltz.)

Q. Well, did it drive her broadside? [1994—  
1162]

A. No, it didn't. She didn't go on broadside.

Q. Why not?

A. Well, I guess the immediate assistance that she got is what prevented her from going broadside.

Q. Did you go aboard the "Celtic Chief" on Monday? A. Monday? No, sir.

Q. Do you know whether or not the "Celtic Chief" move on Monday from her original position?

A. That I won't say.

Q. What's that?

A. I couldn't say if she moved because I didn't notice.

Q. Was there any other motion of the "Celtic Chief"?

A. Well, she was swaying and pounding.

Q. How pounding?

A. Well, I noticed she'd go up and down.

Q. About what was the extent of the rise and fall in her pounding?

A. Well, I couldn't say. I wouldn't give any answer to that question.

Q. Well, your best judgment.

A. Why they say she rised aft about one or two feet.

Q. Aft? A. Aft.

Q. Do you know whether there was any difference in the depth of the water fore and aft of the "Celtic Chief"?

A. Well, I didn't measure the depth of the water, but there was more water astern.

(Testimony of George E. Piltz.)

Q. How, do you know that? What do you say that there was more water astern?

A. Well, generally a vessel always floats, draws more water at the stern and in going ashore the way she did, why she'd naturally gone further up or her stern had gone higher. She'd have been more aft than forward.

Q. Was there any movement of her bow up and down? [1995—1163]

A. Her bow was solid, stationary.

Q. And that's why you think there was more water astern? A. Yes.

Q. What was done by the "Mikahala" on Monday when you got out there?

A. Well, we got, we made fast to the southeast of the "Celtic Chief." We got in position to the southeast of her and run an eight-inch hawser and started pulling on her.

A. About what time did you get that hawser connected up? A. A little after eleven.

Q. And how long after that before you began pulling?

A. About fifteen minutes after we dropped the anchor until the time we started pulling full speed ahead.

Q. Where did you drop your anchor?

A. We dropped it on our weather bow which would be on the port bow.

Q. Which anchor did you use, port bow of the "Mikahala"?

A. Port bow of the "Mikahala." We used the port anchor.



(Testimony of George E. Piltz.)

Q. Why?

A. Well, it was because it was on the weather bow and would keep our head up.

Q. Why couldn't you use the starboard anchor?

A. Why, if we used the starboard anchor then the anchor would have been on the port side and the chain would have laid across our stem if we used the starboard anchor.

Q. Is there any reason why that wouldn't be proper?

A. Well, it's never policy to have an anchor across your stem. It prevents you from manoeuvring and handling your ship.

Q. How far ahead of the "Mikahaka" did you drop your anchor?

A. Well, we had thirty fathoms of chain in five fathoms of water and that was [1996—1164] taut when we had our hawser taut.

Q. How was the anchor chain made taut?

A. Well, the chain was kept taut by the vessel being set down by the pulling or the water or the current that was there at the time.

Q. Was any use made of the "Mikahala" winches?

A. Well, we made, the first pulling we took in the slack of the anchor-chain and after getting them taut that's the way we laid that anchor-chain well ahead.

Q. What was the length of your twelve-inch line?

A. 125 fathoms.

Q. Eight-inch? A. Eight-inch line.

Q. And when was it made fast to the "Celtic

(Testimony of George E. Piltz.)

Chief" and how?

A. It was fast through a quarter chock on the starboard side; fast to a bitt on the maindeck.

Q. And how on the "Mikahala"?

A. It was made fast to the starboard amidship chock with a six-inch bridle from the port amidship chock.

Q. What is a bridle?

A. A bridle is—I don't know the definitions of a bridle, but in this case the way we used it we bent another line to the middle of the main line which would be two lines pulling on one.

Q. What is the purpose of a bridle?

A. Is to—it's to have the pull on the middle of the ship or to have a pull come from the center of gravity and also to be able to manoeuver the ship whatever side you wanted to carry her.

Q. How would you manoeuver a ship with a bridle?

A. By slacking on the offside one to allow the pull to come on the side you wanted to turn.

Q. What kind of a line was it that you used?  
[1997—1165] A. Manilla, eight-inch hawser.

Q. How old was it?

A. It was a brand new line.

Q. When did you take it on board?

A. Got it at the Inter-Island wharf that Monday morning.

Q. When? A. On December 6.

Q. That morning? A. That same morning.

Q. Now, how long did the "Mikahala" continue to pull on the "Celtic Chief"? A. Altogether?

(Testimony of George E. Piltz.)

Q. Yes, from the time you made fast?

A. About sixty or sixty-one hours and some minutes.

Q. Up to what time? I don't mean the time of day but up to what event? What happened when she stopped pulling? A. We pulled—

Q. What's that?

A. We kept pulling until she came off—floated.

Q. Were there any variations in the pulling conditions, in speed at all?

A. There were at times. At high water we would pull with full speed and at low water we would pull at reduced speed.

Q. Define reduced speed. How much—what is called reduced speed?

A. In this case the pulling would be just to take the strain off of the hawsers. It would be about half speed with the engines or quarter speed.

Q. Did you let up pulling at all at any time?

A. Once, I think. Once or twice.

Q. For what? A. For just a few minutes.

Q. For what purpose?

A. We stopped once to run out another eight-inch hawser from our port amidship chock. [1998—1166]

Q. When was that?

A. That was Tuesday morning.

Q. And what other time did you stop? Tuesday morning you ran the second hawser?

A. No, it was Wednesday morning. Wednesday morning, I made a mistake in that.

Q. How long did you stop then?

(Testimony of George E. Piltz.)

A. Stopped for about twenty minutes.

Q. Now, did you stop before that for any other purpose?

A. Not to my knowledge. I don't remember.

Q. Was there, at any time, any interference of the "Mikahala's" lines with any other lines?

A. No, sir.

Q. About what was the position of the "Mikahala" with respect to the "Celtic Chief"? What direction was the "Mikahala" from the "Celtic Chief"?

A. She was on her—she was on—the "Mikahala" was on the starboard quarter of the "Celtic Chief."

Q. And how far away?

A. About seven hundred feet away. Less than seven hundred feet.

Q. How much of your 125 fathom line was used on Monday?

A. The whole line was used with about ten or fifteen fathoms of the line on board the "Mikahala."

Q. Why was that kept on board the "Mikahala"?

A. So as to be able to slack away on the hawser, as I stated a little while ago, to be able to manoeuvre the ship with the bridle.

Q. When did you put on the bridle?

A. Well, before we commenced to pull.

Q. What's that?

A. Before we commenced to pull the first morning.

Q. Monday morning? A. Monday morning.

Q. Do you know what kind of a bottom there

(Testimony of George E. Piltz.)

was where [1999—1167] the “Celtic Chief” was ashore?

A. Well, I judge there was a coral bottom.

Q. How do you know?

A. Because the way that was turned, stirred up around and about the ship with kind of a white sand, coral sand.

Q. Did you make any special observations as to that? A. Yes, sir.

Q. Did you go aboard the “Celtic Chief” at all on Monday? A. No, sir, not on Monday.

Q. When did you first go on board?

A. The forenoon on Tuesday.

Q. Now, on Monday, what other steamers were connected with the “Celtic Chief,” other vessels.

A. Well, in the morning there was the “Helene.”

Q. Monday morning, I’m speaking of.

A. Monday morning. Well, there was the “Mauna Kea” and the “Intrepid,” and the tugboat “Intrepid.”

Q. Besides the “Mikahala”?

A. Besides the “Mikahala.”

Q. And what did you say, the “Kaimiloa”?

A. Sir?

Q. Did you say “Kaimiloa”?

A. No, “Mikahala.”

Q. Those three on Monday morning?

A. Yes, sir, that were pulling on her.

Q. Did you make any observation as to the lines of the “Mauna Kea” and the “Intrepid”?

A. Well, I don’t know the “Intrepid’s,” but I



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(Testimony of George E. Piltz.)

know that the "Mauna Kea" had a twelve-inch manilla hawser.

Q. Did you see that?      A. Yes, sir.

Q. What was the condition of that line?

A. First-class line. Brand new.

Q. As you saw it between the vessels. What was it's position. [2000—1168]

A. I saw it straight out.

Q. Perfectly straight?      A. No, sir.

Q. When you first got out there on the "Mikahala," was there any other vessel there on Monday morning?

A. There was the "Mauna Kea" and the tugboat "Intrepid."

Q. You were the third?      A. We were the third.

Q. Now, what time did you go aboard on Tuesday, the "Celtic Chief"?      A. About eleven o'clock.

Q. And what did you do?

A. I was sent aboard to attend to the discharging and handling of all of the freight that came out of the ship.

Q. Was there any lightering being done there on Tuesday before you went there?

A. On Tuesday there was none when I went aboard.

Q. And what did you do?

A. Well, we started to take the freight out of the main hatch, using our own men from the "Mikahala" and handling the freight in this vessel and also used our own crew in the boats.

Q. What boats?

A. In the "Mikahala's" working boats.

(Testimony of George E. Piltz.)

Q. Shore boats—her regular shore boats?

A. Her regular working shore boats.

Q. What hatch did she work?

A. She worked the main hatch.

Q. When was that—before or after noon?

A. That was both before noon and after noon.

Q. And was any other hatch worked besides the main hatch? [2001—1169]

A. Not in the forenoon. During the dinner hour the boatswain and myself rigged up the after hatch and with the increase of men at one o'clock, why, we started the after hatch and continued the main hatch.

Q. How long did you work both hatches?

A. We worked both hatches until—all that afternoon—all evening until two o'clock in the morning.

Q. That would carry it until two o'clock on Wednesday morning? A. On Wednesday morning.

Q. How did you work the hatches, by what means?

A. We hoisted the cargo out both hatches by a winch, by the ship's winch.

Q. Out of both hatches?

A. Out of both hatches with the ship's winch.

Q. How did you do that?

A. Why, with the gypsies, gypsy-heads, one on each side of the donkey-house.

Q. And how long did you continue to use that winch on Tuesday?

A. We used it right up to the time we stopped work.

Recess.

(Testimony of George E. Piltz.)

Q. How long did the "Mauna Kea" remain at the scene?

A. I don't remember the time exactly, but it was on Tuesday forenoon sometime.

Q. And then what happened?

A. The steamer "Helene" took her position and her line, hawser.

Q. How was the line transferred?

A. I don't remember.

Q. Do you know that it was the same line passed from one, from the "Mauna Kea" to the "Helene"?

A. Yes, sir.

Q. Up to that time, Captain, what can you say as to the [2002—1170] "Mauna Kea's" work? What did the "Mauna Kea" do?

A. *We she* was pulling on the "Celtic Chief."

Q. How do you know she was pulling?

A. I could see from her stern, the splash and churning of the water and the line being straight out from the stern.

Q. Could you observe whether or not there was a strain on her line?

A. There must have been strain on the line or else it would have been hanging up and down, which it did not do.

Q. It would hang in the water?

A. Hang in the water.

Q. Well, did it hang in the water?

A. Oh, it hung in the water.

Q. When? A. When she'd swerve.

Q. Was it out or in more?

A. It was out of the water more.

(Testimony of George E. Piltz.)

Q. What position did the "Helene" have when she took the "Mauna Kea's" place?

A. Directly astern of the "Celtic Chief."

Q. Any more to port or starboard?

A. It was a little to her port quarter.

Q. Do you know how much line she had out, how long?

A. Well, she had her full hawser out—the full length of the hawser without part of the line had been broken by the "Mauna Kea."

Q. Part of the line had been broken by the "Mauna Kea"?

A. Yes, it originally—it was originally a full length of a hawser with the exception of the piece that the "Mauna Kea" broke off.

Q. When did the "Mauna Kea" break that?

A. About morning hours on Tuesday. [2003—1171]

Q. Was that the first break, on Tuesday?

A. To my knowledge.

Q. And what did they do about that?

A. Why, they ran the line out again and made it fast to the same place and started pulling on it again.

Q. Do you know whether or not the "Mauna Kea" had any anchors out when she was there?

A. She had.

Q. The "Mauna Kea"?

A. She had her anchors out—had her anchor out, but I kind of forgotten if she had both of the anchors.

Q. Now, did the "Helene" have any anchors out?

(Testimony of George E. Piltz.)

A. Yes, the "Helene" had both her anchors out.

Q. Do you know how far ahead she had them?

A. She had them quite a ways out. I judge she had about ninety or a hundred and five fathoms of chain out, probably, on both anchors.

Q. Now, the lightering. You say you worked both hatches until about two o'clock on Wednesday morning. Then what did you do?

A. All the crew repaired for a very much needed rest. I myself repaired for a couple of hours.

Q. Now, on Tuesday, how many boats did you have working Tuesday afternoon and Tuesday night up to two o'clock?

A. We had five boats working.

Q. From where?

A. Three of the "Mikahala's" and two from the "Helene."

Q. And about how many men did you have working there on the boats and on the ship?

A. We had about—

Q. In the whole lightering operations both vessels and [2004—1172] the boats?

A. That would be the three vessels and the boats?

Q. Yes, the three vessels and the boats. How many men in all, Inter-Island men?

A. We had twenty and there was over sixty or eighty men came from the shore, which I believe would be about a hundred men we had.

Q. You say something like eighty from the shore.

A. About sixty or eighty from the shore, stevedores.

Q. And the rest were Inter-Island men?



(Testimony of George E. Piltz.)

A. Were Inter-Island crews from the two different steamers.

Q. Now, you spoke of working both hatches with the ship's winch on Wednesday afternoon; how did you work both hatches?

A. We worked using both gypsy-heads; from the after hatch the fall was taken to one of the gypsies and the one from the main hatch was taken to the other gypsy-head.

Q. How many of these could that winch take up at one time?

A. It could only lift one load at a time.

Q. How could you work two heads?

A. We worked alternately; that is, while one landed below the other hoisted.

Q. How many bags of fertilizer in a sling?

A. There were three to a sling. Three bags of fertilizer to the hoist, to a sling.

Q. Did you at any time have four bags to a sling?

A. There was various times we hoisted four, but it would be hoisted slowly.

Q. What was the trouble?

A. The winch was very weak.

Q. Why?

A. It didn't have enough [2005—1173] power to hoist her. It was various troubles with the winch which prevented or made it unable to hoist.

Q. Well, what were some of those troubles?

A. One of them was using salt water in the boiler, which would foam and prevent the steam from keeping up its pressure.

Q. What's the difference in the use of fresh water

(Testimony of George E. Piltz.)

and salt water for power?

A. Salt water—why, the salt would—I don't know how to explain that, but the fresh water you can keep steam and the boiler does not get clogged up where with salt water it forms a salt above the water line and causes the steam to foam.

Q. What would you judge to be the weight of a slingload of three bags? How many pounds, do you think, to a bag?

A. To a slingload there is about seven or eight hundred pounds.

Q. How many bags?

A. Three bags would be about two hundred and fifty to three hundred *points* to a bag.

Q. Why do you say a slingload would be seven or eight hundred pounds? Do you mean that would be a normal slingload, seven or eight hundred pounds?

A. That would be the average, normal slingload.

Q. And in this case you were taking up three hundred and fifty to four hundred?

A. Two hundred and fifty.

Q. To each bag did you say?

A. Two hundred and fifty to each bag which would give the slingload seven or eight hundred pounds.

Q. Were there interruptions in the use of the sling, use of the ship's winch, on Tuesday? I withdraw that. Now, after you had hoisted up, after two o'clock on Wednesday morning, when was lightering resumed? [2006—1174]

A. Six o'clock in the morning, thereabouts.

Q. Wednesday morning?

A. Wednesday morning.

(Testimony of George E. Piltz.)

Q. How many hatches? A. Both hatches.

Q. In the same way as the day before?

A. Same way, with the ship's winch.

Q. And how long did that continue?

A. That continued until the afternoon of Wednesday.

Q. About what time Wednesday afternoon?

A. We stopped for dinner and right after dinner why, we used the after hatch, used the winch for the after hatch only.

Q. Did you work the main hatch?

A. We worked the main hatch for a while with a donkey-engine on a barge alongside the ship.

Q. When did that come out?

A. That came out dinner hour.

Q. Dinner hour on Wednesday?

A. About Wednesday, about the noon hour; somewhere about the middle of the day.

Q. Now, who brought that out?

A. That was brought out by the Inter-Island.

Q. How do you know that?

A. Why, I don't remember who towed the barge out.

Q. Who used it after it got out?

A. Inter-Island men.

Q. Who was in charge of it?

A. We had a donkey driver over there that was in charge of the running of the donkey engine.

Q. Who operated it—under whose orders was it operated?

A. Well, I was in charge of all the work and operation there.

(Testimony of George E. Piltz.)

Q. Was that operation under your orders?

A. Yes, all the operation of that winch was under my [2007—1175] orders.

Q. And how many boats were used on Wednesday for transporting the fertilizer to the ships, to the steamers?

A. Same amount; about five boats.

Q. How many men?

A. About the same amount of *me* because—

Q. How long did you continue to work both hoists on Wednesday?

A. We worked both hoists until the vessel, just a little before the vessel floated.

Q. About what hour?

A. About half-past eleven or a little after eleven; between eleven and half-past eleven.

Q. Where was this fertilizer put that you took out of the "Celtic Chief"?

A. It was put aboard the "Mikahala" and the steamer "Helene." In first working, in first lightering the cargo all the freight was put aboard the "Mikahala" until Wednesday sometime. I forgot now why. We worked both the "Helene" and the "Mikahala." We put the freight on the "Mikahala" and the "Helene."

Q. When did you stop working on the "Mikahala"? A. At a little before half-past eleven.

Q. And what happened then—what did you then do?

A. I was then sent aboard the "Mikahala" to be ready and handy when the ship was floated.

Q. Now, during your operations there on Wednes-

(Testimony of George E. Piltz.)

day, did you notice any movement on the part of the "Celtic Chief"?

A. Well, the vessel pounded and swayed and was very active.

Q. About what time did she get very active?

A. Towards high water.

Q. What's that?

A. Towards high water on Wednesday night.

[2008—1176]

Q. Well, about what hour?

A. About from ten o'clock on she got very more active than she were previous to that time.

Q. You say about ten o'clock?

A. About ten o'clock that I noticed that she swayed and pounded considerably more than she did before that.

Q. Did you notice any other motion than her swaying and rolling?

A. Well, I could feel her being lightened up. She was much more active and not so hard and solid to the bottom than she had been during the day or the day before.

Q. And you left about—

A. Half-past eleven.

Q. Between eleven and half-past, you say?

A. About twenty-five.

Q. Give us as near as you can the hour that you left on Wednesday night.

A. It was more half-past eleven than eleven.

Q. Can you say whether or not, before you left the "Celtic Chief" on Wednesday night, she had moved seaward at all? A. On Wednesday?



(Testimony of George E. Piltz.)

Q. Wednesday night before you left her, eleven-thirty.

A. Yes, I think she moved out. She moved some. She didn't go in any.

Q. About how much do you think she moved seaward? A. I couldn't say.

Q. You say some—do you mean one thousand or ten feet?

A. She moves about six or ten feet; something like that.

Q. How do you judge that?

A. By bearings which I took ashore.

Q. When you got back on board the "Mikahala," what did you do?

A. When I first got on board I attended to the hoisting [2009—1177] of the boats and securing them and standing the men at the different lines with axes, and cautioned them and ordered them to be alert to any orders that were given from the captain.

Q. What was the reason for doing that?

A. It was so that if the vessel floated or when she floated, that we'd be able to manoeuver and handle her and keep out of the way of other vessels..

Q. Well, what were the facts which, or the conditions which, prompted your doing such a thing as that? What was the "Celtic Chief" doing?

A. Well, the "Celtic Chief" was—

Q. Anything more than rolling and swaying, as you've said?

A. Why, she floated and came off and—

Q. How long was it after you got back on board the "Mikahala" before she floated?

(Testimony of George E. Piltz.)

A. Say about forty minutes or thereabouts.

Q. At least that? A. At least that.

Q. So that you would say about what hour of the night she did come off?

A. She came off after twelve, a little after twelve, midnight.

Q. How many minutes?

A. Say, over fifteen or twenty minutes after twelve.

Q. Now, in her coming off the reef what kind of a movement did she make that you observed—steady motion or a pause or what?

A. When she came off she came off pretty rapidly and went right out.

Q. Well, how long do you think she was engaged in actually moving seaward from the time you got back on board? I'll put the question this way: How long after you got on board was it before you noticed any seaward [2010—1178] motion of the "Celtic Chief"? A. Oh, about a half an hour.

Q. About a half an hour?

A. About a half an hour.

Q. That would make it about—

A. Twelve o'clock.

Q. Ten minutes of twelve?

A. Or twelve o'clock.

Q. Twelve o'clock. And the rest of the time you think she was moving seaward until she got off. Did you say she floated ten minutes afterwards—fifteen or twenty minutes afterwards?

A. Fifteen or twenty minutes after twelve.

(Testimony of George E. Piltz.)

Q. So you think for a period as long as fifteen or twenty—

A. No, sir. She floated when she come off. She come off very rapidly.

Q. Did she move seaward at all?

A. It was about twelve o'clock when I noticed that she'd moved a little, from bearings I took ashore.

Q. Do you know when that motion took place, how much before twelve o'clock?

A. About five or ten minutes and—

Q. That was the first motion?

A. That was the first motion.

Q. Then at twelve o'clock you took these observations? A. Then I noticed that she'd moved slow.

Q. Then how long was it before it moved again?

A. It was fifteen or twenty minutes after twelve when she moved and stayed off.

Q. There was an interval of ten or fifteen minutes between her first motion and her final motion of coming off? A. Yes.

Q. Did you see her first motion yourself?

A. I didn't see the "Celtic Chief," but I noticed by bearings that I took. [2011—1179]

Q. Do you know anything about a signal to be hoisted in the rigging of the "Celtic Chief" for the Inter-Island steamers?

A. Well, I noticed there was two red lights.

Q. What were they for?

A. They were to signal to the different vessels to pull with all their power.

Q. When were those lights put up on Wednesday

(Testimony of George E. Piltz.)

night? A. I don't remember. I can't say.

Q. Were those lights up when you left?

A. They were up when I left the "Celtic Chief."

Q. At eleven-thirty? A. At 11:30.

Q. Were they up any before that?

A. That I wouldn't say. I don't remember now of it.

Q. You are certain about their both being up?

A. They were up, both of them.

Q. That was before the "Celtic Chief" moved at all seaward? Were those lines put up on any previous occasion? A. Previous occasion?

Q. The night before, for instance?

A. Yes; they were put upwards; high water the night before.

Q. How long before high water were those lights put up, about what time?

A. I don't remember exactly the time, but they were put up, say, about two hours or two hours and a half before the time of high water.

Q. Each one of those nights, Monday, Tuesday, and Wednesday?

A. Tuesday and Wednesday night, I remember, but I don't on Wednesday night. Every night.

Q. When you left the "Celtic Chief," about eleven thirty, what were the Inter-Island steamers doing? [2012—1180] A. I didn't catch that question.

Q. What were the Inter-Island steamers doing when you left the "Celtic Chief" at eleven-thirty on Wednesday night?

A. Well, they were all pulling at full speed.

Q. How do you know that?

(Testimony of George E. Piltz.)

A. Well, the churning and splashing of water that came directly from each one, each vessel's stern.

Q. Did you observe their lines at all?

A. Their lines were straight out—a strain on them and were pulling.

Q. How many steamers were there that Wednesday night?

A. There was the "Likelike," "Helene," steamer "Arcona"—I mean the cruiser "Arcona"—and the "Mikahala."

Q. When did the "Likelike" come out?

A. About eleven o'clock Wednesday forenoon or about noon Wednesday.

Q. What did she do when she came out?

A. She attached a hawser to the port quarter chock of the "Celtic Chief."

Q. Did she do any pulling?

A. Yes, she pulled on that line.

Q. What amount of pulling would you say she did from your observation? A. What amount?

Q. Yes. Do you know how she pulled?

A. Well, she pulled—she pulled on the "Celtic Chief" to sea, toward seaward, but a little to the westward, south and westward of the "Celtic Chief."

Q. When you were on board the "Celtic Chief" on, we'll say, Wednesday, did you observe the lines of the various steamers that were attached to the "Celtic Chief"? A. Yes. [2013—1181]

Q. About how often did you look at them?

A. Well, there was no regular time that I looked at them, but there was several times—I think about four or five times during that day.



(Testimony of George E. Piltz.)

Q. Did you have anything to do with those lines?

A. Yes, I assisted making fast and parcelling the different Inter-Island lines that were attached to the "Celtic Chief."

Q. What's the parcelling that you refer to?

A. The parcelling of the "Mikahala's" lines with ropes and the "Helene's" lines over the quarter also. The "Mikahala's" lines to prevent the chafe from the "Arcona's" wire.

Q. Tell us about that.

A. Well, the "Arcona's" line, wire was passed to the amidship chock, through the amidship chock fast to her mainmast.

Q. On what side of the "Celtic Chief"?

A. On the starboard side, and on Tuesday the line, the wire laid over the "Mikahala's" two eight-inch hawsers, and the "Arcona's" line being slack why, it lie heavily on the "Mikahala's" two eight-inch hawsers.

Q. What did you do?

A. And in seeing this I had it parceled with a three-inch wrapped around the two eight-inch hawsers directly under the wires to prevent the wire from cutting into the hawser itself. That was Wednesday night, just at dark, dusk.

Q. About dark?

A. About a little after dark. It was about seven or half-past seven or eight o'clock that I put this parcelling on.

Q. What time did the "Arcona" count out?  
[2014—1182] A. Beg your pardon?

Q. What time did the "Arcona" come out?

(Testimony of George E. Piltz.)

A. About eleven o'clock on Wednesday.

Q. What did she do?

A. Why she came out and anchored between the "Mikahala" and the "Helene," which was a little to the southeast of the "Celtic Chief" and on our starboard side.

Q. Starboard side of the "Mikahala"?

A. On the starboard side of the "Mikahala."

Q. And how near to the "Helene" was it that she first dropped, that she dropped her anchor?

A. I don't know the exact distance.

Q. Well, approximately?

A. Before she got, after she dropped her anchor the first time she got so close or too close that he picked his anchor up and move further to the seaward.

Q. Too close to what?

A. Too close to the "Helene."

Q. At that time how was the "Helene" situated?

A. The "Helene" was pulling to the—well, about directly astern of the "Celtic Chief."

Q. How was the "Helene's" anchors and anchor-chains?

A. Well, their anchors were right astern of the "Celtic Chief" and right ahead of her naturally—well, straight ahead of the "Helene."

Q. Then you say the "Celtic Chief" moved further seaward toward Diamond Head?

A. The "Arcona" you mean?

Q. The "Arcona."

A. She moved further to the seaward.

(Testimony of George E. Piltz.)

Q. Now, where did she drop her anchor the second time?

A. She dropped her anchor right ahead of us or a little to our port bow. [2015—1183]

Q. Where were you at that time?

A. I was aboard the "Mikahala" on the bridge.

Q. On what?

A. On the bridge of the "Mikahala."

Q. About how far ahead of the "Mikahala" did she drop it?

A. About three or four hundred feet ahead of us.

Q. And you say to the port, a little to the port of the "Mikahala"?

A. A little to the port side of the "Mikahala."

Q. Port side of the line of the "Mikahala" from stem to stern? A. Yes.

Q. About how many points to port?

A. Oh, about a point, I think.

Q. Now, how was the "Mikahala" lying at that time with respect to the "Celtic Chief"? How would their lines compare from stem to stern?

A. Well, where the "Arcona" dropped her anchor and the "Celtic Chief," why it would have been actually too far to the seaward. She'd have been on top of us if she'd have put any strain on her line with her anchor in the position that she had.

Q. Now, say this—imagine a line drawn from the "Celtic Chief" out to the "Mikahala" and extended beyond the "Mikahala," on which side of that line did the "Arcona" drop her anchor the second time?

A. She dropped it a little to the northward of that line which would be.

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(Testimony of George E. Piltz.)

Q. Well, port or starboard of that line of the "Mikahala," east or west?

A. It would be east of that line.

Q. It would be the Diamond Head side of that line?

A. It would be the Diamond Head side of that line.

Q. Do you know how much anchor-chain the "Arcona" had [2016—1184] out? A. No, sir.

Q. Well, approximately?

A. Well, she dropped her anchor about, to my judgment, about two hundred or three hundred feet ahead of us and her stern was right abreast of our bow.

Q. Well, what would you say then would be the distance approximately between the "Mikahala" and the "Arcona" as they lay after the "Arcona" got her position?

A. About 150 feet or 200 feet.

Q. How many anchors did the "Arcona" have out?

A. She only had one anchor out which was the port anchor.

Q. Her port anchor? A. Her port anchor.

Q. Any wind that day, Wednesday?

A. The wind was light, very light.

Q. What was the general direction of it?

A. About, I don't quite remember what it was; northeast, I think it was.

Q. From the east?

A. Northeast, that is Wednesday.

Q. When the "Mikahala" dropped her anchor—I

(Testimony of George E. Piltz.)

mean the "Arcona" dropped her anchor out ahead of the "Mikahala"—what direction did she swing from her anchor?

A. She swung to the westward.

Q. To the west? A. To the westward.

Q. Toward the "Helene"?

A. Toward the "Helene."

Q. How were the other vessels, the "Likelike" and the "Helene," swung or drawing from their anchors or lines?

A. They were to the westward of their anchors.

Q. Now, referring again to the spot where the "Arcona" dropped her anchor the second time, which you say was ahead of the "Mikahala" and to the port of a line from [2017—1185] the "Celtic Chief" to the "Mikahala" and beyond, now, if a line were drawn from the "Celtic Chief" to the spot where the "Arcona" dropped her anchor, how near would that line come to the "Mikahala"?

A. I guess it would come so near that the "Mikahala" would have to swing away to the eastward a little.

Q. Well, how near?

A. I don't know. It would bear on the "Mikahala."

Q. Bear on the "Mikahala"?

A. On the "Mikahala's" starboard side.

Q. Well, in your judgment, if the "Arcona" after getting a line connected with the "Celtic Chief" had drawn herself in position in a line from her anchor to the "Celtic Chief," it would have been how close to the "Mikahala"?



(Testimony of George E. Piltz.)

A. She would have been right on top of it, you might say. Of course, she was much, she was ahead of us, but her line would be directly under us or over us. We'd have never been able to work or to use our engines if she did.

Q. Now, when the "Celtic Chief" came off shortly after midnight, on Wednesday night, what direction did she take, in what direction did she move?

A. She moved directly to sea about south or southeast to south.

Q. Toward what vessel?

A. She pulled directly for the "Arcona," cruiser "Arcona."

Q. How near did she come to the "Arcona"?

A. Well, from where I stood I judged she came about between ten and twenty feet.

Q. Where were you?

A. I was standing aft on the hurricane deck of the "Mikahala." [2018—1186]

Q. And how was the "Mikahala" moving at that time?

A. We had shifted our position over to the seaward and we was pulling more towards north.

Q. Why?

A. Why? It was to prevent the "Celtic Chief" from colliding with the "Arcona."

Q. From what you observed, was there any danger of such a collision?

A. There was, indeed, risk of collision there if we hadn't pulled towards the north seaward.

Q. How soon did you begin pulling off to the side?

A. Immediately when we noticed there was a

(Testimony of George E. Piltz.)

danger of colliding, of the "Celtic Chief" colliding with the "Arcona," because we noticed then, we noticed when the "Celtic Chief" floated that the "Arcona" was not using her engines.

Q. How did you notice that?

A. Because there was no water churning or splashing directly from her stern.

Q. Did you notice the "Arcona" lines at that time?

A. Her lines when I left the vessel were slack in the water.

Q. When you left the "Celtic Chief"?

A. When I left the "Celtic Chief."

Q. Now, did you observe how great a distance from the "Celtic Chief" it was that the "Arcona" line entered the water after leaving the "Celtic Chief"?

A. Why on the port side I didn't see where—

Q. The port side?

A. Of the "Celtic Chief." That is, the "Arcona's" line that passed to the port side of the "Celtic Chief" I did not see where that entered the water, but on the starboard side of the "Celtic Chief," why it entered the water abreast of the quarter of the "Celtic Chief."

Q. About what?

A. Right abreast of the [2019—1187] quarter, right under the ——— of the quarter.

Q. The "Arcona" line led over the "Mikahala's" hawser?

A. Yes, sir; that's why I parceled the line previously.

(Testimony of George E. Piltz.)

Q. About what angle did that line describe in coming toward the water from the point where it crossed the "Mikahala line"?

A. It went in directly up and down. It slanted up and down so there was no strain on it.

Q. About how many feet do you think it was from the "Celtic Chief" to the point where the "Arcona" line entered the water on the starboard side?

A. About ten or twelve feet.

Q. Did you observe that same line on the "Arcona," near to it? What was its position there?

A. I did not notice on the "Arcona" how the position was.

Q. Now, that's the starboard line. You say you didn't see the port line?

A. It was not out of the water. If it was out of the water I would have noticed it, the "Arcona's" line that was attached to the port side of the "Celtic Chief."

Q. You say it was not out of the water?

A. It was not out of the water. If it had been out of the water I would have noticed.

Q. You didn't observe that line? A. No, sir.

Q. If the "Mikahala" had not pulled the "Celtic Chief" off to the side and had allowed the "Celtic Chief" to move in the same general direction as she was moving when she came off, how near would she have actually come to the "Celtic Chief," judging from her direction she was moving and her rate of speed?

Mr. OLSON.—Object to the question on the

(Testimony of George E. Piltz.)

ground that the witness is not qualified to answer.

[2020—1188]

Mr. WARREN.—Did you, at the time that the “Celtic Chief” came off and immediately prior to that, did you observe the “Arcona” as she lay there?

A. Yes, sir, I did. I noticed that she wasn’t doing anything.

Q. How?

A. Her engines wasn’t moving; there was no churning of the water directly from her stern, and her lines were slack, and hanging in the water.

Q. You said that was the condition when you left the “Celtic Chief” at eleven-thirty. Now, was there any change in that condition of the “Arcona” up to the time the “Celtic Chief” came off? Was there any change in that condition by the “Arcona” doing anything after you left the “Celtic Chief”?

A. No, sir. She didn’t do any more than she did when I left the “Celtic Chief.”

Q. Did you observe? A. Yes, sir.

Q. How often did you look over there?

A. Where I was standing I could see everything practically around there and I notice that the “Arcona” did not move her position.

Q. How could you see?

A. Because she got directly abeam or astern of us and getting nearer to the “Celtic Chief.”

Q. Now, do you know whether or not the “Arcona” moved from her position at the time the “Celtic Chief” came off?

A. No, sir, she did not move. She did not move until after the “Celtic Chief” floated.

(Testimony of George E. Piltz.)

Q. How long after?

A. Oh, about ten minutes after, I think; from five to ten minutes after she floated.

Q. When the "Arcona" began to move, where was she with reference [2021—1189] to the "Celtic Chief" when the "Arcona" began to move?

A. Why the "Arcona," I mean the "Celtic Chief," was to the seaward of the "Arcona," astern.

Q. How do you know that?

A. Because in standing on the hurricane deck of the "Mikahala" and seeing the gap between the "Celtic Chief" and the "Arcona" getting smaller and smaller and us pulling to the seaward, why we noticed after a while that the gap closed between the "Arcona's" stern and the "Celtic Chief," and in hearing no crash, why, she came to the seaward of the "Arcona's" stern, and what brought her to the seaward was a continued pulling of the "Mikahala" towards the seaward.

Q. When did the gap open? How long was it before that gap opened again?

A. When the "Arcona" started finally to move? Oh, it's about—I couldn't say; I wouldn't say.

Q. One minute or ten minutes or what?

A. Oh, it was all of five or six minutes after it was closed.

Q. Now, in your judgment, under all the conditions which you observed and of which you have testified, if the "Mikahala" had not pulled the "Celtic Chief" off to the sea, there would have been a collision between the "Celtic Chief" and the "Arcona"?

Mr. OLSON.—I object to the question on the



(Testimony of George E. Piltz.)

ground it is leading.

A. Yes.

Mr. OLSON.—If that answer is in the record I'd like to have it stricken.

The COURT.—The answer is stricken.

Mr. WARREN.—Under all the conditions which you observed [2022—1190] and of which you have testified, if the "Mikahala" had not drawn the "Celtic Chief" to the seaward, how close would the "Celtic Chief" have come to the "Arcona"?

A. Well, she'd have come right close and she'd have run right into her. There'd have been a smash-up.

Q. What was done with the anchor of the "Mikahala" when you saw the "Celtic Chief" coming off?

A. Why, we started to lift it in and we hauled it all in but five fathoms. We parted our chain and lost our anchor.

Q. How did that come about?

A. By the heaving and the pulling of the anchor-chain in trying to get it home.

Q. When did you start the—I'll withdraw that. What became of the lines of the other Inter-Island steamers when the "Celtic Chief" came off the reef and the "Likelike"—

A. I couldn't say because I didn't see what took place.

Q. Do you know anything about their lines? How long did the "Likelike" and the "Helene" remain attached to the "Celtic Chief" after she came off?

A. She remained, they remained—well, I don't

(Testimony of George E. Piltz.)

know either because I wasn't there.

Q. What became of—what happened to the lines of the "Mikahala" attached to the "Celtic Chief" when the "Celtic Chief" came off?

A. Well, the lines of the "Mikahala" was cut.

Q. Where?

A. Aboard the "Celtic Chief" long after the vessel had steered clear of the "Arcona."

Q. Now, which of the two lines of the "Mikahala" was cut first?      A. Which one of the two?

Q. Yes.

A. They were both cut at [2023—1191] the same time on board the "Celtic Chief."

Q. Was the line of the bridle cut on board the "Celtic Chief" or cut on board the "Mikahala"?

A. There was one of the lines cut aboard the "Mikahala."

Q. Which?

A. The bridle of the starboard amidship chock.

Q. What effect did that have on the pulling of the "Mikahala"?

A. That allowed, by cutting or slack the starboard side we put all the pull and strain on the port side.

Q. Port side of what?

A. Port side of the "Mikahala" and enable us to alter our ship's head towards the sea to north of east which would be pulling in there where we would be right in shore and pulling the stern of the "Celtic Chief" away from the "Arcona"?

Q. Why was that bridle put on in the first place?

A. It was put on to enable us to have the pull on the center of gravity.

(Testimony of George E. Piltz.)

Q. Now, coming back to the lightering work done by the boats of the Inter-Island, under what conditions was that done?

A. That was done under very difficult and dangerous conditions out there.

Q. Why?

A. On account of the considerable swell from the southward and endangering the lives and boats and property of the Inter-Island along the side of the "Celtic Chief."

Q. Well, in what danger were they?

A. Well, the "Celtic Chief" being stationary, fast to the bottom and the little surf boats or the working shore boats were unable, would naturally surge fore and aft or bump up against the ship very frequently.

[2024—1192]

Q. Any more than if they were unloading from a ship which was afloat at sea?      A. Yes.

Q. Why?

A. Well, in lying alongside of a ship afloat, now, a boat lying alongside, a working boat lying alongside of a vessel afloat here you both have the range and the sway of the swell, whereas when one is stationary and the other afloat, why one would surge more than the other and make it very difficult to hold or keep in the one position alongside of the ship.

Q. Now, what about—what was the rise and fall of the small boats at the side of the "Celtic Chief" on Tuesday, approximately, in feet?

A. Oh, about ten or twelve feet, the boat would rise.

Q. And on Wednesday?

(Testimony of George E. Piltz.)

A. And on Wednesday it was a little less.

Q. How about on Tuesday night?

A. Tuesday night it was about the same if not a little higher than Wednesday daytime.

Q. What would be the effect of the loading operations of a boat rising and falling that way—how would that effect your work?

A. Why, it would delay considerable in landing your loads in the boat and endangering the lives of the men that were working in the boats.

Q. How did it endanger their lives?

A. Why the boats surging back and forth, well, the sling would be hanging over the boats immediately over the boat surging back and forth would hit or knock the men on the heads or knock them forward which happened several times, several of the men got knocked over into the bottom of the boats.

Q. Did you see all of this? [2025—1193]

A. Yes, I saw once or twice when one or two of the men was knocked on the shoulder and neck into the bottom of the boats.

Q. Was there any difference in these operations in daytime or night in respect to danger?

A. There were very much more difficult and dangers at night on account of the darkness.

Q. Do you know anything of the tackle and appliances of the Miller Salvage Company on board the "Celtic Chief"?

A. I don't know any more than they had their gear stretched fore and aft directly in our way in working cargo.

Q. Did you have occasion to take any notice of their tackle on the deck there?

(Testimony of George E. Piltz.)

A. I did when I had to step over them.

Q. Did you step over them? A. I did.

Q. Did you ever go under them?

A. No, sir, never.

Q. At what point on the "Celtic Chief" would you step over them—how far from the poop of the "Celtic Chief"?

A. Oh, about fifteen feet, fifteen or twenty feet.

Q. Which hatch?

A. Between the main and after hatch.

Q. And at that point you stepped over them?

A. Yes, sir, but I could come. I did step over them there but where I stepped over them all the time was about forty or fifty feet from the poop deck. They were flat on deck.

Q. Forty or fifty feet?

A. From the poop deck, about forty or fifty feet. That was right abreast of the mainmast. I don't know the distance between the poop deck and the mainmast. [2026—1194]

Q. Abreast of the mainmast how high were they above the deck?

A. They weren't any higher than the height of the block.

Q. The height of the block?

A. The height of the block that the ropes went through.

Q. How high was that?

A. Not higher than eighteen inches.

Q. Where was the block resting on the deck or above it?

A. I don't know; I didn't see the block. I didn't



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(Testimony of George E. Piltz.)

see the block but I saw the lines that were there. You asked the question if the line was above the deck. Why the line would not be any higher than the blocks.

Q. Well, the lines themselves, as you observed them, were eighteen inches above the deck?

A. Yes.

Q. Abreast of the mainmast?

A. Abreast of the mainmast which was, the mainmast was abreast of the main hatch.

Q. Over there back of the poop, what height were the Miller tackles above the deck?

Mr. WEAVER.—What time are you speaking of?

Mr. WARREN.—We'll say Wednesday night.

A. How high was the line?

Q. How high above the deck were Miller's tackles?

A. On the fore, on the fore part of the poop deck.

Q. How high above the deck? A. Where?

Q. Opposite the mainmast.

A. Opposite the mainmast?

Q. Yes.

A. Oh, they were about two feet and a half.

Q. Wednesday night?

A. About two feet Wednesday [2027—1195] night.

Q. And from there to the poop about how high were they?

A. I don't know the height of the poop; sloped from the poop deck down to the mainmast, which would be only about two feet or two and a half feet directly opposite of the mainmast. They would

(Testimony of George E. Piltz.)

slope over the height of the poop deck down to the main hatch or the mainmast.

Q. Do you know whether or not on Wednesday night there was any strain on the Miller anchor, the Miller tackles aboard the "Celtic Chief"?

A. That I noticed any time?

Q. Yes. Do you know whether there was a strain?

A. There was no strain from what I saw.

Q. Why not—what did you see?

A. If there had been any strain on them lines I'd have been unable to walk over them directly abreast of the mainmast.

Q. Did you walk over them Wednesday night?

A. Yes.

Q. About how late Wednesday night?

A. About ten or eleven o'clock.

Q. How high would they have been if they had been taut opposite the mainmast?

A. I think between five and six.

Mr. WEAVER.—I object to that.

Mr. WARREN.—I'll put some further questions. Do you know where the forward end of the Miller tackles were made fast?

A. They were fast to bitts, fast abreast of the foremast on the fore part of the foremast.

Q. And from there they kept along the deck up to the poop? A. Up to the poop deck.

Q. Well, now, will you answer my previous question, if [2028—1196] the Miller tackle had been taut or taut on Wednesday night, how high above the deck would they have been, opposite the main-

(Testimony of George E. Piltz.)

mast?

Mr. WEAVER.—I object to that as calling for merely a guess and not from the observation of the witness.

The COURT.—Objection overruled.

Mr. WARREN.—Will you answer the question?

A. Five or six feet high above the deck.

Q. Did you, at any time on Wednesday night, see those lines higher than two or three feet?

A. No, sir, never.

Q. What are the usual watches on board the "Mikahala"? A. Six-hour watches for the officers.

Q. And how long between watches?

A. What do you mean by between watches?

Q. Six hours on and six hours off? A. Yes, sir.

Q. In these operations how long did the men work as to, with respect to watches?

A. Why, the crew keeps no regular watch. On the officers, the two officers, the mate and second mate, first and second engineer. They are the only one that keep the regular watch.

Q. On this occasion did you keep your watches?

A. I kept my watches and worked my watch below.

Q. What were you doing between your watches? You say you were working just the same?

A. I was working all the time until the time that we were sent to take a rest and the other officer was on watch.

Q. That was, you said, two hours?

A. About two hours. That was all the rest I got.

(Testimony of George E. Piltz.)

Q. Now, Captain, what in your opinion, was the cause of the floating of the "Celtic Chief," stating upon what you base your opinion, including your own experience in salvage of vessels and maritime matters and navigation, as well as your own knowledge of the facts.

Mr. OLSON.—I object to the question on the ground that the witness is not qualified to answer.

Mr. WEAVER.—Same objection on behalf of the Miller Salvage Company.

The COURT.—The objection is sustained.

Mr. WARREN.—After you went on board the "Mikahala" from the "Celtic Chief" about eleven-thirty, did you afterwards observe the line of the Miller Salvage Company?

A. Did I observe it? No, sir, I did not.

Q. From the—

A. "Mikahala," I did not see the lines.

Q. From the "Mikahala" you couldn't see the Miller Salvage lines?

A. I could not see the lines.

Q. Why not?

A. It was too far away, under or close to her quarter or to her stern.

Q. Do you know whether or not it was out of the water?

A. No, sir, it was never out of the water.

Q. It was never out of the water. You could not see any part of the Miller line at all close to the "Celtic Chief"?

A. Well, I did not see any of the line from the "Celtic Chief" from where I was on the maindeck.

(Testimony of George E. Piltz.)

Q. Can you account for your not having seen it?

A. The only thing I can say, that I didn't have any occasion to go directly over the stern to see if it was taut. [2030—1198]

Q. I mean after you went back on the "Mikahala," after you got back on the "Mikahala" on Wednesday night, did you then look over the "Celtic Chief" and observe anything about the Miller line?

A. Because I had no occasion, did not think of it and did not look.

Q. So that you do not know what the condition of the Miller line was after you left the "Celtic Chief"?

A. No, sir.

Q. Don't you know whether the Miller line had any strain or not? A. No, sir.

Q. It might have had, as far as you know?

Mr. WEAVER.—I object to that on the ground it is leading.

Mr. WARREN.—Withdraw the question.

Recess.

Q. Captain, you have testified as to the condition of the lines of the "Arcona" at the time you left the "Celtic Chief" and afterwards; will you tell us prior to the time you left the "Celtic Chief" that night, during the evening and afternoon?

A. I never noticed any difference from the time they had them fast until I left the ship.

Q. Would you have noticed any difference if there had been any? If there had been any difference would you have noticed it? A. Yes, I would.

Q. Now, did I understand you to say this morn-



(Testimony of George E. Piltz.)

ing that the "Arcona" broke a line that she put on?

A. No.

Q. Then, will you tell us what took place immediately after the arrival of the "Arcona," after she dropped [2031—1199] her anchor the second time, what she did?

A. She ran a small line to the "Celtic Chief" and after her getting it having it fast, why she commenced to pull and immediately parted.

Q. What kind of a line was that?

A. Why, I won't state for sure now whether it was a manilla rope or a wire rope.

Q. How did she pull on that? A. Beg pardon.

Q. How did she pull on that?

A. She pulled just a few turns with her engine.

Q. Then what?

A. Then the line parted. She didn't pull any longer than a minute or so on the line.

Q. Then what took place?

A. Then after the line parted they attempted to get another line to the ship and after spending lot, several hours in getting the line aboard they failed to attach this line.

Q. What line is this you are referring to?

A. They got a manilla rope after the first one broke from the ship to the "Arcona" and tried to get a big wire rope on board of the "Celtic Chief."

Q. From where? A. From the "Arcona."

Q. What did they do? A. They got a line from the ship attached to the wire rope aboard the "Arcona" and had men haul it from the ship and spent several hours trying to get this big hawser aboard.

(Testimony of George E. Piltz.)

They gave it up and took it aboard the "Arcona" again.

Q. Do you know why they gave it up?

A. Because the—well, they gave it up because they were unable to get it aboard. I dare say the weight [2032—1200] of the wire hawser and the way they went about to work in getting it over, would catch on the bottom.

Q. What would catch on the bottom?

A. The end of the wire rope in dragging it along they had no means of buoying or lightening the end of the wire hawser, naturally it sunk and took bottom and they failed to get it on board.

Q. Now, can you tell us about what hour of day it was when the "Arcona" broke that first line?

A. It was a little after noon hour.

Q. As near as you can give it.

A. As near as I can give it, it was about after the noon hour, or about noon, about the noon of the day, middle of the day, rather.

Q. You say they were how many hours trying to get that other, the big cable?

A. They were several hours, say from two to three hours, trying to get that cable aboard.

Q. Then what did they do?

A. Then they ran two smaller cables to the ship.

Q. What time did they get those on?

A. They had them fast by about seven o'clock in the evening.

Q. In your judgment, was the "Celtic Chief" at any time in danger by reason of her position on the reef?

A. The "Celtic Chief"?

(Testimony of George E. Piltz.)

Q. Yes.

A. Well, she was in danger of puncturing a hole in the bottom.

Q. That might be done in what way?

A. Well, in remaining there and also if the condition of water got worse she would naturally pound on [2033—1201] the bottom harder.

Q. What might have been the consequences of that?

A. Oh, it would have been a damage to the ship and damage to the cargo and life and property of those aboard.

Q. From all the conditions that you observed and of which you have testified, can you say how long it would have been that, before the ship would have gone broadside, in the absence of any agencies pulling on her?

Mr. OLSON.—I object to the question on the ground it doesn't appear that the witness is qualified to answer.

Mr. WARREN.—I'll put my question in a little different form. Captain, under the conditions which you observed and of which you have testified as prevailing on Monday morning when the "Celtic Chief" was ashore, and assuming that those conditions would continue, how long would it be before there would be danger of the "Celtic Chief" going broadside?

Mr. OLSON.—I object to the question on the ground it doesn't appear that the witness is qualified to answer. I'd like to ask a few questions as to his qualification.

Mr. WARREN.—No objection.

(Testimony of George E. Piltz.)

Mr. OLSON.—Captain Piltz, you testified, that you did some salvage work in connection with the "Loch Garve" case? A. Yes.

Q. Also the "Celtic Chief" case? A. Yes.

Q. Any other cases? A. No.

Q. That's all the salvage experience you have had?

A. Yes.

Q. Those are the only cases where you've had anything [2034—1202] to do with vessels ashore?

A. I was ashore once myself.

Q. When was that?

A. One of the Inter-Island boats.

Q. What boat was that? A. "Mikahala."

Q. Where was that? A. Kaimilou.

Q. Kaimilou Point? A. Yes.

Q. Where did she go ashore at that place?

A. On the reef.

Q. And how long did it take to get her off?

A. An hour and fifty-five minutes.

Q. You got her out under her own steam?

A. No, manoeuvring and management and ability.

Q. Did she go broadside on the reef?

A. No, sir.

Q. Did she go bow forward on the reef?

A. She went head-on, yes.

Q. Did you back her up?

A. I swung around and got her head-out.

Q. Your manoeuver was to work her stern around?

A. When she turned first she immediate—she wasn't fast but I immediately altered the wheel and canted the bow off.

(Testimony of George E. Piltz.)

Q. How far did she go ashore? How far did she go on the reef?

A. How far did she go on the reef?

Q. Yes. Her whole length? A. No.

Q. How much of her length?

A. She was fast amidships.

Q. She went on amidships?

A. No, sir, she struck [2035—1203] in forward first.

Q. She went on forward and went far enough so she was fast amidship then you started your propellers working and canted her around? A. Yes.

Q. The wind didn't blow her on the beach?

A. No.

Q. The sea didn't throw her broadside on the beach? A. No, sir.

Q. Any other experience of vessels ashore?

A. No, sir.

Q. Those are the only cases you have had of vessels ashore?

A. There was one previous to that; I was in the "Claudine."

Q. Where did she go ashore?

A. Outside Honolulu Harbor.

Q. Did she go bow on or broadside?

A. She went bow on.

Q. How long was she ashore?

A. I don't remember but it's less than two hours.

Q. She's a steam vessel? A. Yes.

Q. How did she get off?

A. Steamed away immediately she got ashore, and other aid.



(Testimony of George E. Piltz.)

Q. What aid?

A. We had a line to one of the buoys and they heaved on the line.

Q. Was she thrown broadside on the beach by the action of the wind or wave?

A. No, sir, we immediately put out lines to prevent her from going on.

Q. Have you had any other experience of vessels ashore except those? [2036—1204] A. No.

Q. In the case of the "Loch Garve," she went ashore bow first? A. Yes.

Q. And she went on about half her length, didn't she, or about a quarter of her length, wasn't it?

A. I wouldn't state because I don't know how far she was on.

Q. She didn't go broadside on the reef, did she?

A. I don't know because it was dark when I got there.

Q. So you don't know what happened to her?

A. I knew she was fast on the reef.

Q. You didn't see that she was swung broadside on? A. There was reef all around her.

Q. Was she thrown broadside on the reef by either the action of the water or the wind, as far as you observed her? A. No, sir.

Q. How long were you there? A. Four hours.

Q. And in that time you don't know whether her position was head on to the reef or broadside or otherwise because you didn't make any observation; is that so?

A. Because I didn't make any observations on board the ship.

(Testimony of George E. Piltz.)

Q. Now, the "Celtic Chief" didn't go broadside on the reef, did she? A. No.

Mr. OLSON.—I submit, if the Court please, that the witness isn't qualified to answer. He hasn't shown a single experience in all his maritime life that he can judge from showing what the action of the wind or sea would have as to throwing this vessel broadside.

Q. Do you know the weight of the "Loch Garve"? I mean the "Celtic Chief."

Mr. WARREN.—I object to that, your Honor. I don't think that's a necessary qualification of this witness. [2037—1205] It's not at all necessary for this witness to say that, to know the weight of that vessel to say what the action of the swell would be.

Q. Do you know, Captain Piltz, what is the dynamic form of a sea or swell having a mean height of from five to six feet and a height from extreme to extreme of from eleven to twelve feet?

Mr. WEAVER.—I object to the question unless the witness knows what dynamic force is.

The COURT.—I allow the question. Do you know, Captain Piltz? A. No, sir.

Q. You do not know. Have you ever had any occasion to observe the effect of a sea such as you have described and as existed out there during these operations, would have upon a vessel ashore?

Mr. WARREN.—I don't think that's a fair question.

The COURT.—I'll allow you to ask the question.

Mr. OLSON.—Answer the question.

Mr. WARREN.—I think, your Honor, there are

(Testimony of George E. Piltz.)

not conditions stated there to make it possible for the witness to answer.

The COURT.—I'll allow the question.

A. How does the question—at any time during my experience that I know of any strength or force of sea?

Q. On a vessel ashore. A. On a vessel ashore?

Q. Yes. A. Or any other object?

Q. A vessel ashore. I've asked you that question specifically. Can't you answer it?

A. I don't know the weight or pressure and I can't answer that.

Q. Have you had any occasion to observe what influence [2038—1206] a sea of that kind would have upon a vessel ashore or any other kind of sea, upon a vessel ashore?

Mr. WARREN.—I submit the witness has testified the effect it would have.

Q. I'm not asking you to give an opinion. I'm asking you whether or not you have had an opportunity of observation, what a sea such as that out there, or any other kind of sea would have on a vessel ashore. Can't you answer the question?

A. I've got the question all mixed up and I don't understand it yet.

The COURT.—It doesn't mean in pounds.

Mr. OLSON.—I'm asking you, Captain Piltz, to state whether or not you have ever in the course of your experience had occasion to observe what influence a sea such as existed out about the "Celtic Chief" that you observed there, or any other kind of a sea or swell, would have upon a vessel ashore.

(Testimony of George E. Piltz.)

Now, you have testified to having had something to do with only four vessels ashore. Now, I'm asking you this question, have you had any opportunity of observing, in the course of your experience, what the influence of a sea would be upon such a vessel?

A. I have.

Q. Now then, what vessel was it that you observed under those conditions?

A. Why, on the "Mikahala."

Q. How long was she ashore?

A. An hour and a half.

Q. Did she go broadside on the shore?

Mr. HEMENWAY.—I object, if the Court please, that's been asked and answered several times.

The COURT.—I'll allow the question.

A. I once stated that she went end-on, but she was [2039—1207] broadside sometime during the time she was there fast.

Q. And she was brought broadside by your working your propeller around?

A. She was canted around by the wind and sea.

Q. She was not canted around by the means of your propeller?

A. No, because the propeller was stopped; when she took the bottom, I stopped her. The helm was put over and the wind and sea drove her head-on.

Q. The wind and sea drove her in head on the beach is that right? A. No, sir.

Q. She went ahore head-on? A. Head-on.

Q. Then you stopped your engine?

A. I stopped her engines and with the wave that she had and I put the wheel hard aport and the wind

(Testimony of George E. Piltz.)

and sea was on her port side; naturally enough why she brought her broadside to the land.

Q. Now, she did go broadside on the beach without the use of your propeller?

Mr. WARREN.—The witness has not testified that she went broadside on the beach.

Q. Did she go broadside to the land without the use of your propeller?     A. Yes.

Q. You began to use your propeller after she was broadside.     A. After she started to cant.

Q. I thought you said a few moments ago that you purposely used your propeller to cant her around.

A. After she was broadside to the land, then I used the propeller.

Q. But not before?     A. No, sir.

Q. She was fast amidships, was she?

A. Yes, sir. [2040—1208]

Q. What about her bow?

A. Her bow was on shore.

Q. Was her bow fast aground?     A. No, sir.

Q. It was not? She was sticking on a point practically amidships?     A. Yes.

Q. So that she was working on a pivot?     A. Yes.

Q. Was there a storm at the time?     A. No, sir.

Q. Was there a swell running?

A. There was a little swell and a strong breeze; not what you would call a storm.

Q. And she swung around on that pivot point, did she? Do you know what I mean when I say pivot point?

A. Naturally the bow being higher than the water



(Testimony of George E. Piltz.)

she was, by the strain naturally her bow came off.

Q. How long did it take for the "Mikahala" to work around broadside?

A. Oh, it took about twenty minutes or half an hour.

Q. And you didn't have your propeller working during any part of that time. For twenty minutes your ship was ashore, canting around broadside and you didn't use your propeller?

A. In going ahead—

Q. Did you have it going? A. I had it going.

Q. It wasn't simply the wind and the sea that tended to throw her broadside on the reef?

A. We helped some.

Q. Your propeller helped?

A. Kept her from going on further.

Q. But her propeller did have something to do with her canting around in the water?

A. It naturally would. [2041—1209]

Q. Do you know how much? A. No, sir.

Q. So you don't know how much of this canting around broadside was due to the use of your propeller.

A. There was more from the action of the wind and sea than there was from the propeller.

Q. Now, how do you know that?

A. How do I know that?

Q. Yes, how do you know it?

A. It's the way, at the rate that the engines were working and the time, the length of time that I used them.

Q. How much of the time were your propellers

(Testimony of George E. Piltz.)

working?      A. I cannot recall.

Q. As a matter of fact, you started them working immediately you went ashore?      A. No, sir.

Q. What did you do?

A. I went to find out the position, the conditions that we were in.

Q. Now, was there any other case where you had the opportunity of observing the wave and wind?

A. The same case exactly with the "Claudine."

Q. You say that was aground how long?

A. Two hours.

Q. She went bow on?      A. Yes.

Q. And swung around broadside?      A. Yes.

Q. So that she was broadside to the reef?

A. Yes, with her bow heading out.

Q. You mean to say she went bow first and she canted around and she came off and went on astern?

A. She never came off but the vessel changed position.

Q. And you had her propeller working?

A. Yes, sir. [2042—1210]

Q. Do you know how much of the canting of the *canting* around of the "Claudine" was due to the action of the propeller and what portion was due to the action of the wind and sea?

A. Well, in this case there was about the same amount of pressure between the wind and sea and the swell.

Q. Now, how do you know that?

A. Why, the way that she went ashore.

Q. And the amount of power that was used?

A. And the amount of power that was used and

(Testimony of George E. Piltz.)

the condition of the sea.

Q. Now, what was your business on board the "Claudine" the time she was ashore? What were you doing? A. First officer, first mate.

Q. What did you have to do with the "Claudine" as first mate during those operations?

A. In this particular—

Q. In the case of the "Claudine."

A. When she went ashore or at all times.

Q. While she was ashore?

A. Why, I was next in command or next in charge and carried out all orders that were given from the captain.

Q. Were you down in the engine-room?

A. No, sir.

Q. Do you know how many pounds pressure the engineer had on the engines down there?

A. No, sir.

Q. Do you know how many revolutions your propeller was making? A. No, sir.

Q. Did you know, at that time, what her horse-power was, the "Claudine's" horse-power?

A. No, sir, but I know it was over eight hundred horse-power. [2043—1211]

Q. Without knowing how much pressure there was on those engines, without knowing the amount of horse-power, how were you able to determine that there was about the same amount of power by the propeller as by the sea and wave and wind in throwing her around broadside as you say she was thrown? How are you able to determine this?

Mr. WARREN.—I don't think the question is in-

(Testimony of George E. Piltz.)

telligible, your Honor.

The COURT.—I think the question is proper.

Q. How were you able to determine that those powers were equal or about equal? Can't you answer the question? Can't you answer the question?

A. How—

Q. How were you able to determine that the power exerted by the "Claudine's" propeller was about equal to the power exerted by the sea and wind in their tendency to throw the "Claudine" around broadside on the reef as you have already testified?

A. Well, in the length of time it took her to turn around and get her head out.

Q. But you don't know exactly how much power her propeller was exerting?

A. Her propeller was turning full speed.

Q. How do you know that if you weren't down in the engine-room?

A. Well, in all steamers there is the telegraph on the bridge which indicates from the engineer how the engine is turning.

Q. Did you know the pitch of the blades of the propeller of the "Claudine"?

A. No, sir. [2044—1212]

Q. You know that has a very material bearing upon the amount of effective work the propeller can do? A. Yes, sir.

Q. How, then, were you able to determine how much effective power that propeller was exerting? Can't you answer the question?

A. I can't answer that question.

Q. As a matter of fact, you didn't know?

(Testimony of George E. Piltz.)

A. I knew the engines were going full speed ahead.

Q. But you didn't know how much power the "Claudine's" propeller could exert. Isn't that a fact? Can't you answer the question?

A. No, sir. I don't think there is anybody can answer that.

Q. As a matter of fact, when you said a few moments ago that the power exerted by the "Claudine's" propeller was equal to the power exerted by the wind and sea, you were saying something that you didn't really know to be the fact?

Mr. WARREN.—I object to that as being entirely unfair, your Honor.

Q. Is not that what you said, Captain Piltz, that the propeller and the wind and sea tended to throw her broadside? Isn't that what you testified?

A. I think that's what you testified.

Q. Isn't it the fact that the propeller and the wind and sea together co-operated to throw her broadside toward the beach? A. No, sir, I don't think so.

Q. Now, then, what was the fact? What is the fact? What did actually happen in the case of the "Claudine"?

A. She went ashore and came off again. [2045—1213]

Q. And that's really all you observed, isn't it? You didn't attempt to observe how much power the wind and sea was exerting as compared with the power of her propeller, did you? You didn't attempt to make any such comparison, did you?

A. No, sir.

Q. So you don't know whether or not the power of



(Testimony of George E. Piltz.)

the wind and sea was equal to the power exerted by means of her propeller? You don't know that, do you? Well, do you or don't you?

A. Well, I know it has the same, it has an effect all right, but I don't know just how much each is.

Q. And you don't know in that case?

A. I didn't stop to figure it out or take measure or take soundings or whatever you may call it.

Q. Now, then, Captain Piltz, have you ever had any other opportunity of observing the action of the wind or sea upon a vessel ashore other than the "Mikahala" and the "Claudine"?

A. No, sir, only at the "Celtic Chief."

Q. And she didn't go broadside on, did she?

A. She would have gone if there hadn't been anything holding her.

Mr. OLSON.—I move to strike on the ground it is not responsive.

The COURT.—The motion is granted.

Q. She didn't go broadside on the reef, did she?

A. Not eventually, no.

Q. Did she at all?

Mr. WARREN.—Now, I submit, this is not proper in view of all this purpose to qualify the witness.  
[2046—1214]

The COURT.—I allow the question.

Mr. WARREN.—Answer the question.

A. What is the question.

Q. Did the "Celtic Chief" go broadside toward the reef or on the reef? A. No, sir.

Q. She went bow forward and she maintained that position, didn't she, until she came off?

(Testimony of George E. Piltz.)

A. Yes, sir.

Q. Now, then, I want to ask you, Captain Piltz, are those the only experiences that you've had of observing the action of the wind and sea on a vessel ashore?

A. Yes, sir.

Q. I'll assume, further, you regard yourself as not able to judge at all how long it would take for a vessel ashore to be thrown broadside on the reef by wind or sea from the experience that you've had. How long it would take any time.

Mr. WARREN.—Under what conditions, Mr. Olson?

Mr. OLSON.—Under any conditions.

Mr. WARREN.—That isn't a fair question then. That's got to have some kind of limitations of conditions.

Mr. OLSON.—How long would it take in days or hours or minutes?

A. It would take a vessel to go broadside, the fact she was on the, stuck ashore—

Q. I'm not asking you to give an opinion. I'm asking whether or not you regard yourself as able to judge how long it would take in hours or minutes or days, for a vessel that is on the reef to be thrown broadside on the reef through the action of wind and wave. Do you think you can give anything more than a guess as to [2047—1215] how long it would take to swing a vessel around that way?

A. That would be all; it would be just a guess.

Q. You really couldn't give any certain estimation of the matter at all? A. No, sir.

Q. Now, Captain Piltz, isn't it also true that even

(Testimony of George E. Piltz.)

with what you observed out there at the "Celtic Chief," that you couldn't tell how long it would take in time for the "Celtic Chief" to swing around broadside on the reef by the wind and sea?

Mr. WARREN.—Now, your Honor, I submit that's a proper question on cross-examination of this witness and not on an examination as to the qualifications of this witness. I want also to get in an objection to this question on the ground that it asks the witness if he can answer it.

The COURT.—What is the question, Mr. Reporter?

(Question read.)

Mr. OLSON.—Add there, even approximately.

The COURT.—I'll allow the question.

Mr. OLSON.—Go on, then; answer the question.

A. If I'm able to give—what's the question?

Q. Could you even judge approximately how long a time it would have taken the "Celtic Chief" to have been swung around broadside on that reef by the sea and wind there prevailing? Can you state even approximately? A. It would have been less—

Q. I'm not asking you to state.

The COURT.—That will be stricken out. In giving that answer, state yes or no. [2048—1216]

Mr. OLSON.—Can you do more than guess? I'll withdraw the question and put it this way. Can you do more than guess? A. No, sir, I can't.

Q. What? A. I can't answer that.

Q. That is, you simply have to guess at it?

A. I can't answer that question, how long.

Q. If you did try to state how long it would have

(Testimony of George E. Piltz.)

taken you might be quite wrong about the matter?  
It is quite likely you would be?

A. I would be more right than wrong.

Q. If she went on, did you say you, Captain Piltz—will you state your answer again?

A. I want the question again.

Q. Didn't you say that you would be more right than wrong?

A. What is the question, in the first place?

Q. I'm asking you, isn't it the fact that if you did attempt to give an estimate of how long it would have taken for her to have been swung broadside on the reef, isn't it the fact that you, that it would be quite as possible that you would be wrong as right?

A. I would be right.

Q. Absolutely? A. Not absolutely.

Q. It would be a guess? It would be a guess, but you'd be more right than wrong?

A. In the business I'd be better able to give a judgment on examination.

Q. In what business?

A. Mariner, towing, salvage, so forth.

Q. Now, then, Captain Piltz, when you said it would be [2049—1217] a guess on your part, what did you mean by that?

A. I meant it would be a guess of the length of time it would take.

Q. Isn't it a fact that it might have taken a day or it might have taken a minute, as far as you know?

A. With the conditions prevailing out there the first day, it would have been less than a day.

Q. That's your guess?

(Testimony of George E. Piltz.)

A. That isn't my guess, that's what I judge and know from the conditions that prevailed that day that we went and hooked on to it.

Mr. WARREN.—In using the word "guess," Captain, what do you mean? What do you mean by "guess"?

A. Not anything the exact number or amount of time and so forth. That is, giving you the nearest time, guess of the thing.

Q. That is your guess or judgment?

A. Judgment or guess.

Q. Under conditions that prevailed? A. Yes.

Q. Now, Captain, was the "Mikahala" at any time in danger, do you think, during the salvage operations to the "Celtic Chief"? A. In danger?

Q. What is that? A. Was she in danger?

Q. Yes.

A. Yes, she was in danger at all times while pulling on her.

Q. Well, danger of what?

A. Well, parting a line and getting the thing in the wheel and breaking her chain and running into other ships and so forth.

Q. Other than that there wasn't any particular danger? A. No, sir.

Q. She was in water deep enough to manoeuvre?

A. Yes, sir. [2050—1218]

Mr. WARREN.—Cross-examine.

Cross-examination on Behalf of Libellee.

Mr. OLSON.—The "Mikahala" was pulling on the starboard quarter, was she not, of the "Celtic Chief"? A. Yes, sir.



(Testimony of George E. Piltz.)

Q. About how many points to starboard?

A. About four or five points to the starboard.

Q. How far was she from the "Helene"?

A. I don't know the distance exactly from the "Helene."

Q. All right; let's have your estimate the same way as you have given your estimate that it would have taken the "Celtic Chief" to go broadside. That is, I'm after an approximation. Let us have the guess of this, similar to the one you gave on the previous occasion.

A. I can't remember the distance.

Q. Don't know?     A. Don't know the distance.

Q. Might have been a thousand feet?

A. No, sir.

Q. Might have been ten feet?

A. It would be more than ten.

Q. More than ten feet?

A. Less than a thousand.

Q. How much more than ten feet and how much less than a thousand?     A. Don't know.

Q. You can't approximate between those two distances?     A. It was all of three hundred feet.

Q. All of three hundred feet away from the "Helene"?     A. Yes, sir.

Q. What was the position of the "Intrepid" with reference to the "Mikahala" and the "Helene" while she had a line attached to the "Celtic Chief"?  
[2051—1219]     A. Sir?

Q. What was the position of the "Intrepid" with reference to the "Mikahala" and the "Helene" while she had a line attached to the "Celtic Chief"?

(Testimony of George E. Piltz.)

A. She was forward, the "Helene" and the "Mikahala."

Q. About midway between?

A. About more than three-quarters of the way towards the "Mikahala."

Q. How many feet from the "Mikahala" would you say?

A. Why the distance varied. She'd be closer at times and further away at other times.

Q. How close?

A. She would be that close that once or twice she came alongside.

Q. What do you mean by alongside?

A. And touched.

Q. Touched? A. Touched and went off.

Q. The "Intrepid" had no anchor out, I take it?

A. No, sir.

Q. She had no anchor out? A. No, sir.

Q. During all of the time?

A. Not to my knowledge. Don't remember.

Q. Well, you know, don't you? A. Yes.

Q. There would be nothing then in her coming up alongside the "Mikahala" in that way though, in between manoeuvres such as you have been, have taken place in the course of towing, no more particular danger from the "Intrepid's" coming close like that in the way she did? A. No, sir.

Q. No more danger from that fact? A. No, sir.

Q. Do you know where the Miller anchor was located, where it was dropped when it was finally got into [2052—1220] position for pulling?

A. It was between our position and the "Helene."

(Testimony of George E. Piltz.)

Q. Between you and the "Helene." About how far from the "Mikahala"?

A. About halfway. A little further toward the "Helene," farther away.

Q. Don't you know, as a matter of fact, that the position of the "Arcona" was practically over the anchor of the Miller Salvage Company and possibly a little bit farther out to sea?

A. She would have been over the anchor in the first position that the "Arcona" took, but not afterwards.

Q. Don't you know—now, then, I ask that the witness be allowed to answer the first question.

A. I stated that the "Arcona" would be directly over Miller's anchor in the first position that she took but in the last position her, the "Arcona" was not immediately over the anchor.

Q. It was almost over the anchor, wasn't it?

A. No, sir, she wasn't almost over the anchor.

Q. She shifted her position because she was in a dangerous position with reference to the "Helene"; is that right? A. Yes.

Q. And that was at least a hundred and fifty feet away from the "Helene" where she first took her position? A. No, sir, it was closer than that.

Q. It was? How much closer? How much closer?

A. What did you say was her distance, a hundred?

Q. From the "Helene," wasn't it about a hundred or a hundred and fifty feet from the "Helene," the position she took originally in the first place—between a hundred and a hundred and fifty feet?

[2053—1221] A. No, sir, she was closer than that.

(Testimony of George E. Piltz.)

Q. How much closer?

A. Judging from where I stood, why she was about fifty feet, her stern, after she turned around, she was about fifty feet.

Q. What do you mean by saying that she was directly over the anchor at that time, the Miller anchor?

Mr. WARREN.—I submit these questions are not fair.

The COURT.—Objection overruled.

A. May I ask what the question was?

(Question read.)

Q. That is when she took her first position?

A. How that can be?

Q. What did you mean by saying that when the "Arcona" took her first position she was directly over the Miller anchor?

A. I don't think I said that.

Q. What did you say?

A. I said she was almost over.

Q. Didn't you say she was almost over after she changed her position?

A. Not directly over, before she changed her position, I mean. The first position was almost over.

Q. What do you mean by almost over?

A. Well, not directly over. She was over towards the "Helene."

Q. How much?

A. I said about fifty feet from the "Helene."

Q. Then she was fifty feet from the anchor also?

A. I don't know where the position of the anchor was.

(Testimony of George E. Piltz.)

Q. The anchor was about midway, didn't you say?  
[2054—1222]

A. Yes, there's the length of the "Helene." How far out and how far in I don't know.

Q. Was the "Arcona" anchored fifty feet from her stem or fifty feet from her stern?

A. That's very hard to say.

Q. She was about fifty feet from the "Helene"?

A. Yes.

Q. How far was she from the anchor at that time, the Miller anchor?

A. I don't know the distance but she wasn't over the "Mikahala" but she was almost or directly to sea.

Q. When she shifted her position, do you know how many feet did she shift her position?

A. She shifted considerable because she shifted directly ahead the "Mikahala."

Q. She didn't occupy a position that was directly astern of the "Celtic Chief"?

A. It was astern of the "Celtic Chief."

Q. Directly astern? A. No, sir.

Q. She was pulling on the starboard quarter of the "Celtic Chief," is that so?

A. She was pulling after she got in position. She was right astern of the "Celtic Chief" but she towed with a line from the starboard side of the "Celtic Chief."

Q. When was that?

A. When she finally got her lines fast.

Q. Between the two? A. Yes, that one—

Q. What is that?



(Testimony of George E. Piltz.)

A. One of them was on the starboard, the other on the port.

Q. At that time she was pulling directly astern of the "Celtic Chief"? A. Yes.

Q. And the "Mikahala" was four points to the starboard [2055—1223] quarter, four or five points to the starboard quarter; is that right?

A. Let's see; the ship was north, south, and we was right southeast. She was all of six feet—I mean six points directly from the stern.

Q. The "Mikahala" was?

A. Directly from the straight line of the "Celtic Chief."

Q. Now then, with the "Arcona" being directly astern, as you have testified, and the "Mikahala" six points to the starboard quarter, how do you figure out that the "Arcona" was the nearest of any other to the "Mikahala"?

Mr. WARREN.—Now, the witness hasn't testified—

Q. Was there any danger—I ask the question what was the danger, if any, from the "Mikahala" to the "Arcona" if the "Arcona" kept a position directly astern of the "Celtic Chief" and the "Mikahala" was in six points to the starboard quarter?

A. There were several positions that the two ships were in. I don't know which you have reference to.

Q. All right. The "Mikahala" had an anchor out on her port? A. Bow.

Q. And that kept you from going farther to the port of the "Celtic Chief," in the direction toward the "Arcona" more than directly astern of the "Cel-

(Testimony of George E. Piltz.)

tic Chief"? A. Yes.

Q. You said the chain was taut. Now, then,—but you've also testified that the "Arcona" kept or had her anchor out also on the port? A. Port.

Q. And the condition of the sea, the swell of the sea kept her away from the "Mikahala"?

A. Yes, sir.

Q. That's correct, isn't it? [2056—1224]

A. Yes.

Q. Now, what was the danger, if any, on account of the position of the "Arcona" to the "Mikahala"?

A. The "Mikahala" was in great danger if the "Arcona" had pulled or put a strain on her anchors or hawsers in pulling.

Q. But you say she didn't; she didn't do anything of that kind? A. No, sir.

Q. Was—there was no danger from the "Arcona" was there? A. There was no danger at the time.

Q. As a matter of fact, the "Mikahala" was in no danger on account of the "Arcona" as things actually turned out or as things actually were there?

A. No, sir.

Q. I see. Now then, the "Mikahala" had her engines going all the time, didn't she? She had her propeller working? A. Yes, sir.

Q. And if her line had parted she would have gone right out to sea, wouldn't she? A. No, sir.

Q. Why not?

A. Pulled up on her anchor-chain.

Q. What? A. Pulled up on her anchor-chain.

Q. And she would have immediately heaved in her anchor-chain, would she not?

(Testimony of George E. Piltz.)

A. Maybe and maybe not.

Q. She had a donkey-engine that was capable of being used at all times? A. Yes, sir.

Q. That's what she would have done, wasn't it?

A. She would have done?

Q. Yes. A. No, sir.

Q. She wouldn't have heaved in her anchor-chain? What [2057—1225] would she have done?

A. If the hawser had parted would she go to sea? If the "Mikahala's" line had parted?

Q. Yes, wouldn't she immediately heave in on her anchor and get it aboard, hoisted it up on the ship?

A. No, sir, I don't think it would.

Mr. WARREN.—I object to the question on the ground it is incompetent, irrelevant, and immaterial.

Mr. OLSON.—I'll withdraw the question. Is your testimony, Captain Piltz, that the only danger that the "Mikahala" was in there was the risk of her line parting and getting mixed up in her propeller?

A. Was it the only danger?

Q. Was that the only danger that she was in?

A. No, sir.

Q. What other danger was there?

A. Lots of other dangers.

Q. What was the other danger?

A. Run in by one of the others.

Q. Which one of the others?

A. "Arcona" or the "Celtic Chief."

Q. Was the "Arcona" pointing toward the "Mikahala"? A. No, sir.

Q. Where was she pointing?

A. She was pointing there out to sea.

(Testimony of George E. Piltz.)

Q. If she had been pulling and her lines had parted she'd have run into the "Mikahala," would she? We simply want to find out what you mean by saying she might have been run into; if the "Arcona's" lines had parted she would have gone forward, out to sea.

A. No, sir, she would have headed to the "Mikahala."

Q. Why?

A. Why, in the position that the "Arcona" had her anchor from the "Celtic [2058—1226] Chief," and if the "Arcona" had pulled on her hawsers, why it would go directly under the "Mikahala" or come over her, which would endanger the position of the "Arcona."

Q. The question was this: if the "Arcona's" lines had parted would the "Arcona" have run into the "Mikahala"? A. No, sir, she'd have gone to sea.

Q. When you said a few moments ago that there was danger of her running into the "Mikahala," you said what was not true?

A. If she had pulled on the line. That's the question you gave me.

Q. I'm asking you if the "Arcona" would run into the "Mikahala."

A. After she parted the lines, no, but in case of a pull.

Q. What was the position of the "Arcona" with reference to the "Mikahala"? Was she immediately abreast of the "Mikahala"?

A. A little ahead of the "Mikahala."

Q. How much ahead?

(Testimony of George E. Piltz.)

A. Her stern was abreast of her starboard bow.

Q. How far did they overlap?

A. They didn't overlap any.

Q. In other words, there was practically a clear line between the end of the "Mikahala's" bow and the end of the "Celtic Chief's" stern?

A. Well, I can't answer that because it would be only guess the distance if she could have swung clear enough because I didn't try it.

Q. You know, don't you, that the "Arcona" was out farther to sea than the "Mikahala" was?

A. Yes. [2059—1227]

Q. And that her stern came no farther, was no nearer to the "Celtic Chief" than the bow, of the bow of the "Mikahala"? A. Yes, sir.

Q. So that if she had pulled up her lines taut, the "Arcona" would have been still farther out to sea, wouldn't she? A. Yes, sir.

Q. So she would not have been in any danger of running into the "Mikahala" herself?

A. Not the steamer; no.

Q. So there was no danger from any such collision as that? A. No, sir.

Q. If the "Arcona" had started to pull, you say her lines would have interfered with the "Mikahala"? A. Yes, sir.

Q. And yet the "Mikahala" maintained the position that she was even though that would have been dangerous if the "Arcona" had started to pull, is that so?

A. It would be, but we maintained the position.

Q. The "Mikahala" didn't change her position



(Testimony of George E. Piltz.)

at all, even though the officers of the "Mikahala" must have known that if the "Arcona" had started to pull her lines would have come over the "Mikahala"; is that so?

A. We knew that. We didn't change.

Q. The point is why didn't you change if you knew there was that danger?

Mr. WARREN.—Your Honor, I don't think that's proper cross-examination.

The COURT.—That question is entirely proper.

Mr. OLSON.—Answer the question, Captain. Can you answer the question?

A. No, sir, because I was not in danger.

Q. I see, exactly. Now, then, I'll ask you was there [2060—1228] deep water all around the "Mikahala" of sufficient depth for her to navigate without any trouble? A. Yes.

Q. On all sides? A. Yes.

Q. She could have varied her position two or three points to the starboard without any trouble?

A. To the "Mikahala's" starboard?

Q. Yes. And to the starboard of the "Celtic Chief." She could have been still farther to the starboard quarter of the "Celtic Chief," couldn't she? A. Yes.

Q. There was nothing to prevent her from doing that? A. No.

Q. She could have gone a hundred feet or so to the starboard quarter?

A. Sailed to the starboard, you mean?

Q. Five or six points to the starboard quarter. She might have gone a point or two more without

(Testimony of George E. Piltz.)

any difficulty? A. Yes, sir.

Q. The "Helene" was pulling over practically on the port quarter of the "Celtic Chief," was she not? There was no danger from the "Helene" to the "Mikahala," was there? A. No, sir.

Q. No danger from any of the other boats?

A. No, sir.

Q. So in fact there was no danger from any of the boats to the "Mikahala," was there? A. No, sir.

Q. No. That was a new eight-inch manilla hawser that was on the "Mikahala," wasn't it, and if that line had parted you say there was some danger of that line getting mixed up in the propeller?

A. Yes. [2061—1229]

Q. How long does it take to stop the propeller of a ship, a steamer like the "Mikahala"?

A. I cannot answer definitely.

Q. Well, about how long does it take to stop her propeller? A. Take about a second.

Q. Practically at once wouldn't it?

A. A second. It all depends if you give the signal, the engineer can stop her in a second.

Q. You had men that were carefully observing the vessel at all times? A. Yes.

Q. And if the line had parted they would have immediately given a signal to the engine-room?

A. Yes.

Q. And the "Mikahala" would have been held in position by her anchor, wouldn't she? Is that right?

A. Held in position when the anchor was—

Q. Her anchor would have held her in position so she couldn't have floated down on the "Celtic Chief"

(Testimony of George E. Piltz.)

or any of the other vessels? A. Yes.

Q. So, as a matter of fact, there was very slight danger of the line getting mixed up in the propeller because if the line had parted the signal would have at once been given in the engine-room and the propeller stopped; isn't that so?

A. That can be done.

Q. And it probably would have been done if the line had parted, would it not?

Mr. WARREN.—Now, I think that's—

The COURT.—I allow the question.

Mr. OLSON.—Now answer the question.

A. The engines would have probably been stopped.

Q. At once?

A. It would have stopped. [2062—1230]

Q. It would have been stopped. Your answer is it—you understood the question, didn't you, Captain? A. Yes, sir.

Q. So that, as a matter of fact, there was very little danger on account of the possibility of the line parting and getting mixed up in the propeller?

A. There was a possibility of the line parting.

Q. I was—there was very little danger, I say, from the parting of the line and the line getting mixed up in the propeller of the "Mikahala." Isn't that so? Isn't it so, that there was very little danger from that source because the engine would have been stopped at once and the propeller stopped? Can't you answer my question?

A. Under them conditions, yes.

Mr. WARREN.—I think the witness is entitled to know a little more about conditions, your Honor.

(Testimony of George E. Piltz.)

Q. Were there two vessels—on the "Mikahala," how many lines were there attached to the "Mikahala"? A. Three.

Q. Three lines, two of them being the bridle coming over each side of the "Mikahala" to the first line and then a second line that was coming directly to the "Celtic Chief"? A. Yes.

Q. Now, if one of those lines had parted, the engines would have stopped just the same and the propeller stopped without its getting mixed up with the lines; isn't that so? A. Yes.

Q. And if they had all parted, at once, the propeller would have stopped in the same way, wouldn't it?

A. That first answer it would depend what line carried away.

Q. Well, suppose they all carried away, would [2063—1231] not the engines have been stopped immediately and without the propeller getting mixed up with those lines? A. Yes.

Q. Now, then, suppose that any one of these lines had broken, just one, any one, had broken, isn't the same true that the propeller would have been stopped without its getting mixed up with the lines that broke? Isn't that true?

A. I don't know any conditions yet at all.

Q. I'm not asking *you give* any opinion as to what the danger was. I'm asking you to answer my question definitely. Can't you answer the question?

A. No, sir. You can have the engines going at full speed.

Q. You can, of course, can't you? A. Yes.

Q. Do you think that the propeller would have

(Testimony of George E. Piltz.)

been permitted to go on at full speed with the danger of its getting mixed up?

A. I can't answer that.

Q. Don't you think that propeller would have been stopped immediately? A. Yes.

Q. And that's what would have been done in the case of the "Mikahala," wouldn't it?

A. I wouldn't say yes or no to that question.

Q. And if there had been a parting of the line, a signal would have been given to the engine-room to have stopped the engines?

A. I can't answer that. The probability is it would.

Q. All that you can say is if they hadn't stopped the propeller, if they didn't get the signal to the engine-room and if the line had broken, there would be a [2064—1232] possibility of the line getting mixed up with the propeller? A. Yes.

Q. There was the danger besides that, danger of collision with these other vessels? Are those the only dangers that there were?

A. To the ship?

Q. Yes, to the "Mikahala." The only dangers to the "Mikahala." Are those the only danger that the "Mikahala" faced out there? A. No, sir.

Q. What other dangers were there besides those that you have already testified to, namely, the possibility of her lines parting and getting mixed up with her propeller and the danger of colliding with the other vessels? What other dangers?

A. Various and lots of unforeseen dangers.

Q. Let us have them.



(Testimony of George E. Piltz.)

A. There may have been a fire or may have sprung a leak from the strain of pulling, or she may have pulled up on her anchor and run in shore.

Q. Which way was she heading?

A. Heading out.

Q. She wouldn't have run in shore?

A. She had her anchor chain on the anchor bow. It would naturally bring her head around.

Q. Couldn't her propellers have been stopped?

A. I say if they had not been stopped.

Q. But they could have been stopped?

A. Yes.

Q. So that there really was no danger of her going in shore herself, as you say, because her propeller could have been stopped?

A. Yes, there was no danger.

Q. No danger from that. All right. Now, what was the danger that you testified to just now, springing [2065—1233] a leak. If she had sprung a leak, do you think that would have been any danger to the "Mikahala"? Couldn't she have gotten into port of Honolulu before that leak had done any damage? A. Yes.

Q. She could have? So there wouldn't have been any particular danger from that source, would there?

A. No, sir.

Q. What danger from fire was there? Was she more apt to catch on fire while she was pulling there than if she had been pulling on her ordinary business? Was there more danger from fire at this "Celtic Chief" situation? A. No.

Q. No greater danger?

(Testimony of George E. Piltz.)

A. The only danger would be from the load she had.

Q. What load was that?

A. The nitrate and stuff that she took from the "Celtic Chief."

Q. What is the danger from that?

A. There are some fertilizers that we get that are more apt to catch fire than others, and that's one of the dangers of catching fire.

Q. Now, are you willing to swear that this was one of the kind of fertilizers that was apt to catch fire more easily than others? A. No, sir.

Q. What other dangers were there then, besides these that you've mentioned, if any?

A. That's about all I know.

Q. So, as a matter of fact, there was really no serious danger to the "Mikahala" at all?

A. No, sir, I don't think so.

Q. Now, then, you testified to danger to the "Celtic Chief." You said that there would be danger to the lives aboard of the "Celtic Chief." What danger was there to the lives on board the "Celtic Chief"? [2066—1234]

A. Well, various dangers to the lives aboard.

Q. The Young Brothers' "Huki Huki" was out there, wasn't it, the launch?

A. I didn't notice her.

Q. You know there were a good many launches and vessels in the harbor at that time? A. Yes.

Q. And a good many vessels could have gone out there? A. Yes, sir.

Q. And under conditions of water and sea that pre-

(Testimony of George E. Piltz.)

ailed from Monday until Wednesday do you think that there was any real danger to the lives of the seamen on board the "Celtic Chief"?

Mr. WARREN.—Object to the question as being confined to seamen.

Mr. OLSON.—Persons aboard. What was the danger?

A. There would have been other dangers.

Q. What would those dangers be? Tell us. Would it be the sinking of the vessel there?

A. The sinking of the ship.

Q. Could she have sunk deeper than she was or go on the beach as she lay there?

A. No, sir, but she could have been water-logged.

Q. Would there have been any danger to the people aboard of her on that account? Couldn't they have all gotten ashore without any difficulty? Wasn't there immediate assistance available in the harbor here in Honolulu to get these men off?

A. They could have got off.

Q. At any time? A. At any time.

Q. So, as a matter of fact, there was no necessity of those people on board of the "Celtic Chief" losing their lives or being in danger on account of [2067—1235] the situation of the "Celtic Chief"?

A. They could have been taken off.

Q. You saw the "Arcona" out there, did you? You saw her line when she first started in, did you?

A. Yes, sir.

Q. Did you know that that was an inch and a quarter steel hawser that she parted?

A. I wouldn't state what size it was.

(Testimony of George E. Piltz.)

Q. Well, if it was an inch and a quarter steel hawser that she parted, would you say that she had sufficient power if she was able to do that, to have kept the "Celtic Chief" from going broadside on the reef if she had had her lines attached to the "Celtic Chief," might put the lines in a different way. Assuming, Captain Piltz, that the "Arcona" could have been out there at any time while the "Celtic Chief" was ashore, wouldn't she have been able to keep the "Celtic Chief" from going broadside on the reef, judging from your observation?

Mr. WARREN.—I object to the question as incompetent, irrelevant, and immaterial.

Friday, September 8, 1911.

Mr. OLSON.—I want the record to show that I offer to connect later by showing that the "Arcona" was in the harbor of Honolulu during the entire period of time that the "Celtic Chief" was on the reef and was actually available, at all times for the purpose of giving assistance to the "Celtic Chief."

The COURT.—Captain Piltz, can you state the power which a vessel has that can break a one and a quarter-inch steel hawser in sound condition?

A. I couldn't tell you the power.

Mr. OLSON.—Do you know how much [2068—1236] power it was necessary that the wind and wave should exert on the "Celtic Chief" to throw her broadside on the reef? A. How much wind?

Q. How much power it was necessary for the wind and wave to exert upon the "Celtic Chief" as she lay there on Monday to have thrown her broadside on the beach? How much power it was necessary for that

(Testimony of George E. Piltz.)

purpose. Do you know that? Don't you know? Can't you answer the question, Captain Piltz? It's taking you a long time to think it over. For the third time, Captain Piltz, I ask you whether you can answer that question or not.

The COURT.—The Court recognizes that it is a difficult question to answer and the witness can answer it in his own way.

Q. I ask you for the fourth time: can you answer that question? How much power of the wind and sea it would take to throw her broadside on the beach on Monday. A. On Monday?

Q. The day that she was lying on the beach.

A. It would take less power than was pulling on her.

Q. Now, then, can you still answer my question, how much power it would be necessary for the wind and wave to exert upon the "Celtic Chief" as she lay on Monday on the reef to have thrown her broadside on the beach?

Mr. WARREN.—I submit that question has been answered.

The COURT.—Objection is overruled.

Mr. OLSON.—How much power?

A. The same question over, isn't it?

Q. You haven't answered it yet, Captain Piltz. I want an answer to the question, that's the reason I'm asking it over again. In other words, you don't know, do you, [2069—1237] how much power it would be necessary for the wind and wave to exert upon the "Celtic Chief" to throw her broadside?

A. No, I don't know in pounds or tons or anything



(Testimony of George E. Piltz.)

like that. In the same way—

Mr. WARREN.—Let him finish his answer.

A. I've been interrupted.

Q. What's that you've got to say? I'm asking you now if you have anything else to say. I assume that the witness has nothing else to say. He is silent. Now, I'll ask you this question: Isn't it likewise true that in the same way you don't know how many pounds or tons would be necessary to be exerted by a steam vessel that could break an inch and a quarter steel hawser?

A. Now, that's something I've forgotten but I did know the weights and measures of a steel wire hawser.

Q. In other words, you mean to say that as a mariner you could determine more easily and more definitely what power it would be necessary to exert to break this inch and a quarter steel hawser and what kind of a steam vessel could do it, than it would be to measure the amount of pounds or tons of power that would be required to be exerted by wind and wave on a vessel such as the "Celtic Chief" to throw her broadside on the beach? It is a far simpler matter, isn't it, to determine the former than the latter? Are you able or are you not able to answer the question, Captain Piltz?

A. I don't understand the question.

Q. Could you by any calculation at your command estimate the amount of power that it was necessary for the wind and wave to exert upon the "Celtic Chief" to throw her broadside on the beach as she lay on Monday morning, [2070—1238] on Monday,

(Testimony of George E. Piltz.)

December 6, 1909? A. No.

Q. You could not? Could you estimate the amount of power that it was necessary for the "Arcona" to exert upon that wire line in order to break it, assuming that it was an inch and a quarter steel hawser? Could you do that either by calculation yourself or by reference to authorities?

A. How many pounds it would take to break?

Q. Yes. It was necessary for the "Arcona" to exert in order to break that wire? A. Yes.

Q. Captain Piltz, you observed—having observed, as you have testified, that the "Arcona" broke this line that she first attached to the "Celtic Chief," assuming that that was an inch and a quarter steel hawser in good condition, if she had had a line aboard of the "Celtic Chief," being able to exert that amount of power, would that have been sufficient to withstand the influence of the wind and sea to throw her broadside on the reef?

Mr. WARREN.—Object to the question on the ground it doesn't specify any time.

A. I can't answer that question.

Q. You can't answer the question? Why can't you answer it?

A. The size of the wire rope hasn't been given.

Q. I've given it—an inch and a quarter. If it had been any other wire with the same amount of power exerted that the "Arcona" had exerted on the "Celtic Chief," the same amount of power had been exerted on another kind of a line, had exerted the same amount of power on the "Celtic Chief" that she exerted in breaking that inch [2071—1239] and a

(Testimony of George E. Piltz.)

quarter steel hawser, would that have been sufficient to prevent the wind and wave as it was on Monday, December 6, prevent the wind and wave from throwing the "Celtic Chief" broadside on the reef, and you say you can't answer that?

A. With the same amount of power that she exerted in breaking that wire she would never have held.

Q. What would never have held?

A. The "Arcona" would never have held.

Q. A vessel that was capable of breaking a new inch and a quarter steel hawser wouldn't be able to hold the "Celtic Chief" from going broadside on the reef?

A. Not with the same amount of power that she exerted in breaking that inch and a quarter wire hawser.

Q. Did she jump? A. She jumped.

Q. What do you mean by jumped?

A. There is a certain hanging slack and bight to the line which takes the bottom and the "Arcona" was not pulling on the "Celtic Chief" when she broke the line. She was starting and getting into position and that's the way the line broke.

Q. Do you know how much horse power the "Intrepid" has? A. No, sir.

Q. Do you know that the "Intrepid" has an indicated horse-power of three hundred and twenty-five horse-power?

A. I didn't know until I was just told.

Q. What other vessel had a line on the "Celtic Chief" on Monday besides the "Intrepid"? Did the "Mikahala"? A. The "Mikahala" had a line.

Q. What is her horse-power?

A. I presume about five hundred.

(Testimony of George E. Piltz.)

Q. Five hundred horse-power? [2072—1240]

A. Something in that neighborhood.

Q. Are you sure of that?

A. I wouldn't swear to it.

Q. You don't know, as a matter of fact?

A. No, but it's over four hundred and fifty.

Q. Do you think that a vessel that had a horse-power of four thousand horse-power would have been able to keep the "Celtic Chief" from going aground further on the reef?

A. That depends with what kind of a line.

Q. With two steel hawsers?

Mr. WARREN.—We assume also that there were two steel hawsers.

The COURT.—I allow the question.

Q. Do you think that a vessel of four thousand horse-power and having two steel wire lines in good condition each an inch and a quarter in diameter attached to the "Celtic Chief" would have been able to keep the "Celtic Chief" from going broadside on the reef under the conditions that you observed from the time the "Celtic Chief" went ashore until she came off?

Mr. WARREN.—I object to that question on the ground that the witness' testimony was confined to Monday.

Q. Then give us that. On Monday would a vessel of that power been able to have kept a vessel like the "Celtic Chief" from going further on the reef, having two steel hawsers of the kind I have described attached to the "Celtic Chief"? Can't you answer the question Captain Piltz, or don't you want to?



(Testimony of George E. Piltz.)

A. Don't hurry me. I think I have the privilege of considering these things. They're going a little too far. I'm not a college graduate or anything like that, you know. With a steady pull, why she could. [2073—1241]

Q. She could have held it?

A. She could have held it, but not with the way and the pull that the "Arcona" made on Monday.

Q. And that's not the question that I asked you, Captain.

A. She would have never held that ship with the ability of the men that were on board of the "Arcona"; wouldn't have held her if she had had more than two hawsers on.

Mr. OLSON.—I move to strike. I withdraw my objection. Now then, Captain, Piltz, did you see the anchors or either of the anchors of the "Arcona"?

A. Did I see them.

Q. Did you see the anchor that was dropped, the port anchor? A. Yes.

Q. What, in your judgment, was the size of that anchor? I mean, just a rough approximation, as nearly as you could judge. Would it be a larger anchor than the "Mikahala's" anchor?

A. I wouldn't say.

Q. You saw it?

A. I saw it at a glance but not to be able to judge whether it was a big one or small one.

Q. Do you think, Captain Piltz, that if that anchor had been laid out forward with the two lines attached with the "Arcona" in use and that anchor-chain had been heaved in that that would have prevented the



(Testimony of George E. Piltz.)

"Celtic Chief" from going broadside on the reef without any other assistance, without the use of her propellers at all?

A. With the anchor and hawsers she had out would that prevent the "Celtic Chief" from going broadside?

Q. If she had heaved in on her anchor-chain would that not have prevented the "Celtic Chief" from going broadside [2074—1242] on the reef?

A. Without using her engines?

Q. Yes. A. No, sir.

Q. Do you think that an anchor such as the Miller Salvage Company had laid out forward with a line attached to the "Celtic Chief's" stern and that being heaved in would have kept the "Celtic Chief" from going broadside on the reef?

A. I don't know because I don't know the size of the anchor.

Q. Well, say an anchor—suppose it is not the Miller Salvage Company's anchor but an anchor of two thousand pounds weight with a line on the "Celtic Chief," would that have kept her from swaying one side or the other? A. No, sir.

Q. Suppose that that anchor had been fastened in a coral boulder or a lava boulder; this two thousand pound anchor, and it had two steel wire lines each an inch and a quarter in diameter in good condition, attached to the "Celtic Chief's" stern and that had been heaved in so that it was fairly taut, would that have prevented the—

Mr. WARREN.—I object to that question; it does not appear how far astern.

(Testimony of George E. Piltz.)

Q. Suppose it is anywhere from five hundred to a thousand feet?

The COURT.—Mr. Olson, I'll allow you to ask the question but require you to state the distance definitely in two questions. I'll allow the question.

Mr. OLSON.—Answer the question.

A. Two thousand pound anchor?

Q. Yes, laid anywhere from five hundred to a thousand [2075—1243] feet from the "Celtic Chief" with two steel hawsers, inch and a quarter each?

A. That would have never held her.

Q. Why not? What would have prevented her from holding her? Why wouldn't it hold it? What would prevent that from holding the "Celtic Chief" from going broadside on the reef?

A. There is various ways of preventing.

Q. Then what would prevent it from doing so? Give two things or a dozen things—I don't care how many. Would the anchor itself be strong enough to resist that power—would it break with a two thousand pound anchor—would that break?

A. Two thousand pound anchor, why, yes, it would break.

Q. Where would it break? A. Anywhere.

Q. Where?

A. Anywhere. Anywheres about the anchor that would break.

Q. I'm asking if it was fastened to a coral or lava boulder securely?

A. Supposing that part that was fastened broke.

Q. I'm asking you would it break, would the strain be so strong, would the action of the power of the

(Testimony of George E. Piltz.)

wind and wave exerted on the "Celtic Chief" tending to throw her broadside be so great that it would break a two thousand pound anchor laid in that way?

A. Five hundred feet?

Q. Anywhere from five hundred to a thousand feet. Take your own distance; I don't care. Do you mean to tell the Court that there would be danger, that, as a matter of fact, that anchor would be so weak it would break under those conditions and, therefore, wouldn't have held the "Celtic Chief"?

A. Yes, sir. [2076—1244]

Q. What part would break?

A. The lines would break.

Q. I'm asking about the anchor?

A. A two thousand pound anchor would never withstand the pressure or weight of that ship while she was on that coral reef that morning, Monday morning.

Q. You think there was sufficient power exerted by the wind and wave on that vessel there, on her quarter, to have broken a two thousand pound anchor?

A. Yes.

Q. Now, then, Captain Piltz, you are familiar with anchors. A. More or less.

Q. What are they usually constructed of?

A. I don't know. Of iron; some have wooden stocks.

Q. Now, take a two thousand pound anchor; what are the shanks constructed of? A. All of iron.

Q. About how much in size? What would be the diameter of the smallest point of an ordinary two thousand pound anchor? A. I couldn't say that.

(Testimony of George E. Piltz.)

Q. Half an inch? A. It's about.

Q. Half an inch or a foot?

A. No, more than an inch; not any more than six inches or seven inches in diameter.

Q. Do you think a six or seven inch iron shank would break off?

A. The shank don't go in the water?

Q. What?

A. I say the shank of an anchor very seldom takes ahold.

Q. What does take hold?

A. Fluke. That's the part I mean is not more than five or six inches. [2077—1245]

Q. I was asking about the shank?

A. The shank of the anchor would be about an inch more, though anchors are constructed in various sizes and different sizes. We have some very large anchors and some very small ones and I'm taking the average.

Q. The shank would be five, six, or seven inches?

A. About, yes.

Q. And the flukes?

A. They would be about four inches.

Q. Four inches in diameter? These are of iron?

A. Yes.

Q. Now, do you mean to say that you think one of those flukes would break, being constructed of iron, that there would have been sufficient power of the wind and wave to have broken a four inch fluke?

A. Yes. Sometimes I go out here with an Inter-Island boat and break a fluke off.

Q. Isn't that ordinarily due to the fact that there

(Testimony of George E. Piltz.)

is some defect?      A. No, sir.

Q. An ordinary good, strong anchor, four inches in diameter, would have broken?      A. Yes, sir.

Q. Now, then, Captain Piltz, then we'll assume, Captain Piltz, that an anchor of five tons laid anywhere from five hundred to a thousand feet with a two and one quarter inch steel wire, that being its diameter, lay from that anchor to the "Celtic Chief's" stern and heaved in so that there is some strain on that, would that have been sufficient to prevent the "Celtic Chief" from going broadside on the reef?

A. Five thousand pound anchor?

Q. Ten thousand pound, five ton anchor.

A. Five ton. It would depend a good deal on how the [2078—1246] five ton anchor was placed.

Q. Suppose it was placed so that one of the flukes was fastened on a coral or lava boulder?

A. What size cables did you say?

Q. Two and a quarter steel hawser, two and a quarter inches in diameter?

A. That would have never held her.

Q. Couldn't have prevented her from going broadside?

A. If the ends of the anchor was fast to the wire and fast to the ship without *any our* purchase it would never have stopped her from going ashore.

Q. I'm asking you if it would have prevented her from going broadside on?

A. It would never have prevented her from going broadside on the reef.

Q. Now, then, Captain Piltz, the "Intrepid" with three hundred and twenty-five horse-power, the



(Testimony of George E. Piltz.)

“Mikahala” with somewhere in the neighborhood of five hundred horse-power, according to your statement, and what other vessel had a line aboard the “Celtic Chief” on Monday?

A. The “Mauna Kea.”

Q. How much is her horse-power?

A. I don’t know the horse-power of the “Mauna Kea.”

Q. Well, do you know approximately?

A. Somewheres around fifteen hundred. That’s judgment. I guess about fifteen hundred horse-power, the “Mauna Kea.”

Q. What other vessel had a line aboard of her Friday morning while this heavy swell was going on that you speak of?

A. There was no other steamer. [2079—1247]

Q. No other steamer, but you think that these three vessels kept the “Celtic Chief” from going broadside on the reef?

A. Yes, sir.

Q. They were able to prevent the wind and wave from forcing her broadside on the reef?

A. Yes, sir.

Q. You know, Captain Piltz, what is the power of a vessel of three hundred and twenty-five horse-power, how large a block. Do you think a block five tons in weight lying flat on the wharf could be pulled off the wharf.

Mr. WARREN.—I don’t think that’s a fair question, your Honor.

The COURT.—The objection is overruled.

Mr. WARREN.—I want to note an objection on the record to this whole line of testimony on the

(Testimony of George E. Piltz.)

ground that it is immaterial. There is no reason for trying to stultify this witness or impeach him because he can't compare the power of vessels with sea power, because he has said that the action of the sea would have thrown her broadside, then he's got to give any figures and everything that would have to do with the pulling power if it did keep her from going broadside or what the pulling powers might have done.

The COURT.—Mr. Warren's objection will be noted and objection is overruled.

Mr. OLSON.—Answer the question: could a vessel of three hundred and twenty-five horse-power pull a five ton block lying flat on a flat surface like a wharf, by pulling by means of her propeller, exerting that three hundred and twenty-five horse-power propeller and thus attempt to pull that block off the wharf? [2080—1248] Do you think she could do it?

A. She could move it on the jump.

Q. Could she do it on a steady strain? I'll also add to that question that you can assume any kind of propeller you please, any pitch, any kind of propeller that you please. I'm waiting for your answer and have already waited a long time to have it answered.

Mr. WARREN.—I'd like to have also in the record that I object to counsel keeping nagging the witness for an answer.

Q. Can't you answer the question?

Mr. WARREN.—Your Honor, I think that question is objectionable, for this reason, assuming any kind of a propeller and any kind of a pitch. That's only for the purpose of confusing the witness.

The COURT.—I think the question is fair.

(Testimony of George E. Piltz.)

A. Why, she can pull a five ton block but it depends what distance it is from her.

Q. What distance from where?

A. From the ship.

Q. Suppose that that block is lying five feet from the edge of the wharf and she's pulling with a line attached to that block, maintaining a steady strain using all of her power: would she be able to pull that block off that wharf, the surface where the block comes in contact with the wharf being perfectly smooth and flat? Before you answer that question, what would be the most effective? At what distance should the vessel be from that block in order to be effective?

A. Closer to the block.

Q. How close? A. Right up to it.

Q. Now, we'll assume that she has a twenty foot line attached to that block and she is in deep water and then is exerting all of her power, could she pull [2081—1249] that five-ton block off of that wharf?

A. Well, I think she can, but this answer is only—I've never had an experience of pulling a five ton.

Q. Now, any kind of a block—

Mr. WARREN.—Let the witness finish his answer.

A. In the manner that you give the question I'm unable to give an answer to that question.

Q. In other words, you don't know?

A. I don't know; no, sir. I've never had to remove a five-ton block.

Q. Have you ever undertaken, with a vessel pulling by means of her propeller to remove any block or weight lying on the shore or a wharf?

A. I have not, only in pulling vessels.

(Testimony of George E. Piltz.)

Q. Your only experience is when towing vessels that are afloat?

A. In salving and towing boats which are afloat.

Q. That your answer?

A. I have done more pulling of things afloat.

Q. What other pulling?

A. Salving and towing vessels ashore, as I have already stated in several times.

Q. The only two were the "Loch Garve" and "Celtic Chief"? A. "Loch Garve" and "Celtic Chief."

Q. That's all you have had in towing experiences of vessels ashore and not ashore. Of those instances were you able to test what the pulling power of the vessel pulling was, pulling on an object which is fast aground? You couldn't test that in any way?

A. No, sir, I wouldn't be able to in pounds or tons.

Q. So that your only experience aside from that is in towing vessels afloat? [2082—1250]

A. Outside of those two?

Q. Yes. A. Yes, sir.

Q. And yet you think that those three vessels, the "Mikahala," the "Intrepid," and the "Mauna Kea," were able to keep the "Celtic Chief" from being thrown broadside on the reef? A. Yes.

Q. Even though the wind and wave was so powerful that it would have broken the ordinary two-ton anchor that you have already described?

A. Yes, sir.

Q. Where were you Captain Piltz on Sunday, the day before Monday?

A. I think you are asking too much of a question.

(Testimony of George E. Piltz.)

Q. I'm asking a question that you are obliged to answer.

A. Where I was Sunday? I think that's part of my own business.

The COURT.—You will have to answer the question, Captain Piltz.

A. I dare say I was home. Got in Sunday morning.

Q. You came in on Sunday on the "Mikahala"?

A. Sunday morning.

Q. You testified to a swell that was running outside the harbor on Monday: will you state whether or not that swell was about the same on Sunday as you observed it as you came in?

A. I can't remember. It's about two years ago. I can't remember.

Q. You remember about the swell, what the swell was on Monday?

A. Because I was involved right there.

Q. Was the water any different on Tuesday—on Sunday, I mean?

A. There was much difference on Monday.

Q. What was the difference?

A. What I noticed the water was hazy and cloudy and a southerly wind blowing. [2083—1251]

Q. And what had it been on Sunday?

A. Sunday, I don't remember.

Q. You don't remember whether it was hazy and cloudy Sunday?

A. It was fine and clear, but the amount and size of the swell, I cannot say.

Q. On Monday the wind was light. There wasn't



(Testimony of George E. Piltz.)

a heavy wind?      A. It was light.

Q. The wind wouldn't have much effect on the sea would it?

A. Not in that vicinity, or not in that locality.

Q. Now, what time was it that the "Mikahala" got out there?      A. About a little before eleven.

Q. What vessels had lines on board of her at that time?      A. The "Mauna Kea" and the "Intrepid."

Q. How long had the "Mauna Kea" been out there?      A. I don't know.

Q. You didn't know the "Mauna Kea" was already out there?

A. She was there pulling when we got out there.

Q. You have no idea at all when the "Mauna Kea" went out there? She was out there but how long you don't know. Didn't she just precede you a very short time?

A. She was there very much earlier than we were.

Q. How much sooner—an hour or half an hour?

A. I'm unable to say.

Q. As a matter of fact, from the time this ship went aground about two o'clock on Monday morning up to seven or eight o'clock on Monday morning, how would you account for the fact that she didn't go broadside on the reef then, during that period of time, without any assistance at all, during those five hours?

A. There's various ways in accounting for that and I don't know. [2084—1252]

Q. You don't know why she didn't. What's your answer? Why wasn't she swung around broadside on the reef without assistance during that time, if, as

(Testimony of George E. Piltz.)

you say, she would have clearly gone on the reef on Monday if there had been no assistance?

A. Well, wouldn't there be a possibility of the sea increasing just about daylight or after the vessel was on and naturally she wouldn't go on broadside with less sea?

Q. Why, then, if that's the case, why didn't she shift around somewhat, at any rate, toward going broadside on the reef from daylight until the time that the "Intrepid" put her line on board several hours later?

A. I'm unable to state how she went on, but if she shifted her positions when we got there from the time she first got on, I know she was slow starting.

Q. By the time the "Intrepid" and "Mauna Kea" got her lines aboard.

A. I know when we got there she wasn't straight in for the land, she had canted. She had the sea, the swell on one quarter, and that was the very reason that they put us in the position that they did put us, off to the seaward of the ship.

Q. So that she had canted around somewhat broadside?

A. To my knowledge or to what I had heard.

Q. You don't know of your own knowledge?

A. No, sir, because I wasn't out there two o'clock in the morning and saw when and where and how she went on.

Q. Then, if some of the witnesses in this case have testified that she did not change her position at all, but kept heading in directly toward the reef through all of Monday, you are not prepared to say

(Testimony of George E. Piltz.)

[2085—1253] that his testimony would be wrong, are you?

Mr. OLSON.—I move to strike all the testimony of the witness stating that the vessel had canted toward, over on the direction of going broadside on the reef, on the ground it is hearsay and not based on the knowledge of the witness. I move to strike all of the testimony with regard to the canting of the vessel on the ground that it is hearsay and assumption of the witness and not based on knowledge.

Q. Do you mean to say that all of the canting you have testified to is something you didn't observe? Did you see her cant around somewhat? Did you actually yourself see her cant around?

A. No, sir.

Q. You didn't? A. No.

The COURT.—The statement with regard to the ship canting will be stricken as hearsay.

Q. About how many points to port would you say was the anchor of the "Mikahala" laid?

A. From the "Celtic Chief"?

Q. From the "Mikahala."

A. From the "Mikahala" or "Celtic Chief"?

Q. From "Mikahala."

A. I don't understand that her anchor was laid to the port of the "Celtic Chief."

Q. At how many points to the port of the "Mikahala" was her anchor laid?

A. I can't remember.

Q. It was coming down on her port side?

A. Yes, sir.

Q. That's correct. So it was laid pretty far over

(Testimony of George E. Piltz.)

to the port side?

A. Not pretty well over but pretty well ahead of the [2086—1254] "Mikahala."

Q. Well, how far?

A. I don't know how far it was. I had thirty fathom of chain out.

Q. You saw where it was laid, didn't you?

A. Whereabouts it was laid?

Q. Yes. Now, can't you give some approximate idea? It was at right angles? A. No.

Q. Was it further toward the one side than the other? A. I won't state, I can't state.

Q. It might have been?

A. Yes, it might have been.

Q. In other words, it was somewhere between?

A. At times it varied in position.

Q. The purpose of that anchor was to hold the "Mikahala" in position as near as possible?

A. Yes, sir.

Q. How long did that five or six foot swell that you have testified to continue that you observed on Monday?

A. I don't remember now, but I did then. It's quite a while ago, I do not remember exactly.

Q. You don't remember?

A. I don't remember; it lasted all day Monday, I know.

Q. How about Tuesday?

A. Tuesday, it was not as big as they were on Monday.

Q. Not so much of a swell? A. Not so much.

Q. How much of a swell would you say there was?

A. Oh, about two or three feet less.

(Testimony of George E. Piltz.)

Q. As a matter of fact, it had been diminishing a good deal, hadn't it?

A. It didn't go right down. There was a swell on but not as big as Monday.

Q. Two or three foot swell; ground swell, more or less. Now, Tuesday night?

A. Night? [2087—1255]

Q. Yes. There was about the same swell, about the same as on Tuesday?

A. Yes, Tuesday night.

Q. And on Wednesday, during the daytime?

A. I don't know.

Q. Wouldn't you say on Wednesday that it was somewhat less than on the days previous?

A. Yes, they were less on Wednesday.

Q. Swell less on Wednesday and Wednesday night?

A. About the same on Wednesday night as all day Wednesday.

Q. Now, when was it that the Inter-Island boats began to lighter cargo, take cargo from the "Celtic Chief"?

A. Can I, your Honor, refer back to memorandum about that in my book?

Q. Can't you state approximately without referring to that memorandum?

A. These are memorandum I made at the time.

Q. Did the "Mikahala" do any lightering on Monday? A. No, sir.

Q. She did not Monday night? A. No, sir.

Q. Did any of the other Inter-Island boats do any lightering on Monday night or Monday?

A. No, sir.



(Testimony of George E. Piltz.)

Q. As a matter of fact, you went on board, you took charge of lightering the cargo on Tuesday?

A. Yes, sir.

Q. Now, then, will you kindly explain to the Court how it was these shore boats were in such a danger when they were rising ten or twelve feet in the swell, when you say the main swell was Wednesday and Wednesday night, two or three feet or less. [2088—1256]

Mr. WARREN.—The witness has not said two or three feet or less.

Q. I want to find out how it was that these boats were coming up ten or twelve feet and dropping down ten or twelve feet alongside the “Celtic Chief” when the swell was from three to four feet. I mean during the time that you were taking cargo off the “Celtic Chief.” A. Two or three feet less.

Q. You said, did you not, that the mean amount of the swell on Tuesday and Tuesday night was two or three feet than it was on Monday?

A. Yes, from the top of the swell to the bottom.

Q. That wasn't what I asked you. How much was the main swell on Tuesday than on Monday?

A. I don't understand that question that way and I wish that would be stricken out or taken back as a mistake.

Q. Now, then, how much was the main swell on Tuesday?

A. It would be about a foot or foot and a half less than it would be on Monday.

Q. How much would that be, then, according to your judgment? What was the mean swell on Tuesday?

(Testimony of George E. Piltz.)

A. Eight or ten feet; somewhere in that neighborhood.

Q. The mean swell on Tuesday?

A. The mean swell, I got the other swell mixed up. It would be about four or five feet.

Q. Well, now, will you explain why you didn't say that these shore boats would go over eight or ten feet instead of saying ten or twelve feet as they would rise and fall with that swell?

A. Why, the boats didn't come up.

Q. Why didn't you say on direct when you said that they would come up over ten and twelve, that is, come up ten or twelve feet and down ten or twelve feet, why didn't [2089—1257] you say you would go up eight or ten feet? Why did you say ten to twelve feet when you could say that the swell was only from extreme to extreme eight or ten feet.

A. Well, to judge or to give an answer definitely how high and how low the boats did go, that is something impossible for anybody to judge unless he measured it with a tape or a rule. That is why I said eight to ten or ten to twelve.

Q. Why didn't you say from eight to twelve feet then? Why did you make it ten to twelve?

A. The two figures come in handier than the others.

Mr. OLSON.—I'd like to have that answer read.

(Answer read.)

Mr. OLSON.—That isn't all the answer; he said it was a slip of the tongue.

The COURT.—As I recall it he said those figures were handy.

Q. It may have been a slip of the tongue or the fig-

(Testimony of George E. Piltz.)

ures were handy?

A. I knew it. I knew it was somewheres in that neighborhood.

Q. It might have been a slip of the tongue?

A. I knew it wasn't impossible.

Q. It might have been a slip of the tongue?

A. No, I said slip of the tongue was because them two figures were handiest, I think I said.

Q. And it wasn't just as handy to say eight or twelve as to say ten or twelve?

A. I didn't think out the amounts to say.

Q. And I suppose you are now prepared to say it might have been from six to twelve? A. No, sir.

Q. Not at any time?

A. It wasn't less than eight.

Q. Not at any time? A. Not on Monday.

[2090—1258]

Q. It might have been between from eight to twelve on Monday? A. Yes, sir.

Q. That is, the extremes on Monday might have been anywhere from eight feet to twelve feet, the highest to the lowest. Now, then, on Tuesday, it would be from two to three feet less. That is, it might have gone from five to six to nine to ten feet on Tuesday. As a matter of fact, it might have been from four to ten feet, Tuesday?

A. More than four.

Q. It was more four than below four?

A. Somewhere in the neighborhood of four. In the neighborhood of eight or nine feet.

Q. What did you mean by saying it was two to three feet less on Tuesday than it was on Monday, if

(Testimony of George E. Piltz.)

it was anywhere from eight to twelve feet on Monday—don't you mean to say that it must have been somewhere from five to nine or ten feet on Tuesday?

A. Somewheres in that neighborhood.

Q. And instead it would be forward from three to six or seven?      A. Three to six feet.

Q. Three to six feet?

A. I think somewhere in that neighborhood.

Q. So, as a matter of fact, the shore boats of the Inter-Island was running cargo did not, at any time rise from ten to twelve feet and go down again that same ten or twelve feet?      A. Yes.

Q. That's correct. Captain Piltz, have you ever loaded an Inter-Island steamer like the "Claudine" or the "Mikahala" or the "Mauna Kea," lying off the Hawaii Coast, and their boats going back and forth from her anchorage between her anchorage and the shore, do you mean to say [2091—1259] that there would be the same give and take from the swell of the sea on the vessel that was anchored as in respect to the shore boats? Do you mean to say that they would swing back and forth just as much as the shore boats?      A. No, sir.

Q. Isn't it the fact that every one of these "Inter-Island boats as they lay at anchor in some ports look like they are fairly steady with a considerable swell rolling by against her on the sides in which the shore boats have to work?      A. Yes, sir.

Q. And isn't it the fact that at a good many of those ports the taking on and discharging of the freight goes on at night-time as well as daytime?

A. Yes, sir.



(Testimony of George E. Piltz.)

Q. And isn't it the fact that the freight is hauled into these shore boats by means of slings?

A. Yes.

Q. These Inter-Island boats? A. Yes.

Q. And the men who had charge of these shore boats on the reef on the "Celtic Chief" were men that were regularly employed in that kind of work?

A. Yes.

Q. Isn't it also true that when you are discharging freight alongside the vessel outside of these parts the slings will occasionally bump into the men who are handling the freight in the shore boats; isn't that so?

A. Not as often as—

Q. I'm not asking you how often. I'm asking you to answer my question yes or no.

Mr. WARREN.—I think the witness is entitled to answer in his own way.

Mr. OLSON.—Now, answer the question. Does it [2092—1260] sometimes happen—

Mr. WARREN.—I object to that question on the ground that the witness has been interrupted in his answer and I don't want the witness to continue his answer.

Mr. OLSON.—Now, my question is this: Doesn't it sometimes happen, and I don't want you in answering this question to make comparisons—I want you to answer simply whether or not it does sometimes happen that these slings with freight in them do bump into the men in shore boats?

Mr. WARREN.—Counsel has no right to tell this witness—

The COURT.—I'll allow the question.



(Testimony of George E. Piltz.)

Q. Now, answer and don't make any comparison.

Mr. WARREN.—I object to that last remark and I want it to appear on the record.

Q. Doesn't it sometimes happen—does it or doesn't it, or are you unable to answer the question?

The COURT.—There's been so much argument, Captain Piltz, do you understand the question?

A. I understand the question, yes, but this is rather a difficult question to answer without making comparisons.

Mr. WARREN.—I object to counsel—

Mr. OLSON.—I withdraw the question. Have you ever seen a sling with freight in it bump into a man working in shore boats alongside of vessels that are taking cargo out of vessels of the Inter-Island fleet? Have you ever seen that happen once?

A. Well, it would depend how the sling would bump him. Might bump up against his hand or his back or his feet. I'm unable to answer that question in that way.

Q. I'm asking you if you have seen it bump in any way. [2093—1261] A. Yes.

Q. And have you seen them bump into them bad enough so they would be knocked over?

A. I have.

Q. You've seen that happen more than once, haven't you?

A. Yes, I've seen that happen more than once.

Q. As a matter of fact, it happens occasionally, doesn't it, every once in a while when you're having more than usual rough weather?

(Testimony of George E. Piltz.)

A. I haven't seen it happen for about a year or so myself.

Q. Doesn't it sometimes happen, Captain, doesn't it once in a while happen that in taking passengers off of these steamers and letting them down into shore boats that there is trouble, danger of their falling overboard?

A. There's always a certain amount of risk or danger to anything that is transferred in the boats or transferred from any large vessel.

Q. That's because the swell heaves the boats up and down alongside of the vessel, isn't it?

A. It may be.

Q. And a man standing in those boats or in one of those boats is apt, from the action of the boats heaving up and down, to bump into the sling or something of that sort; he's apt to be knocked over; that's apt to happen, isn't it?      A. Yes.

Q. What was the reason that you didn't use the starboard anchor of the "Mikahala"?

A. Why, then it would be across our bow.

Q. That is, in order to have done that, why the ship [2094—1262] would have swung over toward the other vessels and would have been on her port bow?      A. Yes.

Q. I mean that the chain of her starboard anchor would be across her bow?      A. Across the stern.

Q. That's because the wind and wave had the tendency to throw her further toward the other towing vessels? The current had a tendency there to throw the "Mikahala" around?      A. Yes, the current.

Q. When was it that the second line was put on to

(Testimony of George E. Piltz.)

the "Celtic Chief" from the "Mikahala"?

A. Can I, your Honor, look at the memorandum?

Mr. OLSON.—If you can't remember refer to your memorandum.

The COURT.—Yes.

(The witness consults paper produced from pocket.)

A. About two (?) o'clock in the morning on the 8th.

Q. That would be on Tuesday, the day before she came off or on Wednesday morning.

Q. Wednesday morning, would it not, the day that she came off? Monday was the sixth, Tuesday the seventh, and Wednesday the eighth? A. Yes.

Q. So it would be on Wednesday. And where was that line attached to the "Celtic Chief"?

A. Fast to the same chock as the first hawser.

Q. And what side of the vessel did it come, of the "Mikahala"? A. On the port side.

Q. And where was the other line attached on the "Mikahala"?

A. Attached to the starboard side also, a bridle line.

Q. From the port side to the first line? [2095—1263] A. Yes.

Q. Was that bridle changed when you put on the second line? A. No, sir.

Q. What was the size of that rope?

A. Eight-inch manilla hawser.

Q. New one? A. Brand new.

Q. Do you know how far distant from the "Celtic Chief" the Miller anchor was located?

(Testimony of George E. Piltz.)

A. I do not.

Q. As a matter of fact, it was laid out farther than the "Mikahala," farther out to sea than the position of the "Mikahala"? A. Yes, sir.

Q. In other words, there was a longer line leading from that anchor to the "Celtic Chief" than the lines of the "Mikahala"? A. Yes, sir.

Q. Do you know how much farther, about?

A. No, sir, I can't remember.

Q. The "Arcona" had longer lines than the "Mikahala" also, did she not? A. Yes.

Q. Do you know how long those lines were?

A. No, sir.

Q. Have no idea. But she lay with her stern, the end of her stern practically in lines with the end of the bow of the "Mikahala"? A. Yes.

Q. How long is the "Mikahala"?

A. Well, I don't remember now.

Q. About how much?

A. About a hundred and fifty.

Q. One hundred and fifty? A. The very least.

Q. So that the "Arcona" must have had at least one hundred and fifty feet more line than the "Mikahala"? A. About that.

Q. And you know, don't you, that the line which was [2096—1264] fastened on the starboard side of the "Celtic Chief," used by the "Arcona," went through a chock about amidships? A. Yes, sir.

Q. And considerable distance forward of the chock which was used by the "Mikahala"?

A. Yes.

Q. So that at that end of the line the "Arcona's"

(Testimony of George E. Piltz.)

line must have been longer also? A. Yes, sir.

Q. How much longer would you say? Fifty or sixty feet longer? A. About that.

Q. So altogether the lines of the "Arcona" must have been a couple of hundred feet longer than the lines of the "Mikahala," and you were using about six hundred and sixty feet if the line of the "Mikahala," weren't you? A. Somethink like that.

Q. You testified that the "Mauna Kea" on Monday was pulling and that her manilla hawser was straight out of the water, but not perfectly straight out of the water. Now, just what do you mean by that?

A. Why, the sag would be in the water and then raise out. The sag of the line was surging with the ship at her anchor.

Q. But her line was perfectly out of the water more than she was in the water. That is, it would stay out of the water and sink down again and up; it would sag down again and so on? A. Yes.

Q. It would stay out for a considerable length of time? A. Yes.

Q. How long? For a minute or two, five minutes, ten minutes? [2097—1265]

A. About three or four, three or five minutes.

Q. Do you know how long that line was?

A. I didn't measure it. I never measured it.

Q. Well, judging from the length you had on the "Mikahala," how long would you say the "Mauna Kea's" line was?

A. She would have to fasten it she could not have all the line.



(Testimony of George E. Piltz.)

Q. How long would that be?

A. One hundred and twenty-five fathoms.

Q. That would be seven hundred and fifty feet, wouldn't it? A. Seven hundred and twenty.

Q. From seven hundred to—

A. Seven hundred and twenty.

Q. And you think that the "Mauna Kea" was able to keep a twelve-inch, manilla hawser, free of the water, without sagging in the water at a length about seven hundred feet? Answer the question.

A. What is the question?

Q. Do you think that the "Mauna Kea" was able to keep this twelve-inch manilla hawser of hers out of the water from three to five minutes at a stretch, clear of the water, pulling at a distance somewhere in the neighborhood of seven hundred feet from the "Celtic Chief." Do you mean to say that?

A. She would not keep it out of the water as long as she did while pulling on the "Celtic Chief."

Q. What do you mean by that?

A. That she wouldn't keep it out of the water as much as she did with the twelve-inch line that she pulled out there.

Q. I mean at the time of the "Celtic Chief," she had a [2098—1266] twelve-inch manilla hawser at the time. A. Yes.

Q. And do you mean that she kept that twelve-inch, manilla hawser out of the water three to five minutes at a stretch, pulling it?

A. I do not say she would keep it out three or five minutes with the line that she had. You asked me the question how much might she use and I said she

(Testimony of George E. Piltz.)

had a brand-new twelve-inch hawser, which is seven hundred feet; you never allowed for the amount that would be taken to tie aboard the ship and the amount that was again taken aboard the "Mauna Kea."

Q. How much distance do you think there was, approximately, between the stern of the "Mauna Kea" and the stern of the "Celtic Chief" while the "Mauna Kea" was pulling?

A. I couldn't say the exact distance.

Q. I'm asking you to approximate it.

A. Oh, I think that the distance would be about six hundred feet.

Q. The "Mikahala" being out six hundred and sixty feet, wasn't she six hundred and fifty or sixty feet? A. Somewheres in that neighborhood.

Q. Was the "Mauna Kea" nearer to the "Celtic Chief" than the "Mikahala"?

A. No, she was not.

Q. Was she farther away or about the same distance?

A. She was a little farther away. That is, stern to stern.

Q. Then it would be somewhere between six hundred and fifty and six hundred and sixty feet that she must have had between the two sterns, the stern [2099—1267] of the "Mauna Kea" and the stern of the "Celtic Chief."

A. It wouldn't have been any further than six hundred and fifty feet.

Q. It would be about that amount?

A. About six hundred or six hundred and fifty.

Q. Now, then, you think, do you, that the "Mauna

(Testimony of George E. Piltz.)

Kea'' was able to keep six hundred or six hundred and fifty feet of line, twelve-inch, manilla hawser out of the water from three to five minutes at a stretch?

A. Depends where the lines were made fast.

Q. Where was the line made fast on the "Mauna Kea"? A. Through her stern chock.

Q. And where was it made fast to the "Celtic Chief"? A. Fast to the main mizzenmast.

Q. Where did it go through?

A. Quarter chock.

Q. That wasn't over fifteen or twenty feet?

A. I don't remember.

Q. It wouldn't be much over that, would it?

A. Oh, yes, it was over fifteen feet.

Q. Fifteen feet from the surface of the water to that chock? How much over?

A. Ten or fifteen feet over.

Q. You think that the "Celtic Chief's" chock where the "Mauna Kea" line went through was twenty-five or thirty feet above the water line?

A. Yes, I think it was.

Q. And about what distance above the water line was the chock through which the line passed on the "Mauna Kea"?

A. I don't remember, but it was about ten or twelve feet.

Q. And you think that with a line passing through a [2100—1268] chock ten or twelve feet above the water line on the "Mauna Kea" and about twenty-five or thirty feet above the water line on the "Celtic Chief," that that line, twelve-inch manilla hawser, could have kept out of the water by the

(Testimony of George E. Piltz.)

"Mauna Kea" from three to five inches at a stretch, even though there was over six hundred or six hundred and fifty feet between the chocks, from three to five minutes at a stretch. You realize that's two hundred yards, do you, Captain?

A. Two hundred yards. That's something I never, I've never tried, but, judging from what I saw there that's what I guess that she did do.

Q. At any rate, your testimony is that she did keep that line out of the water as long as from three to five minutes at a time? A. Yes.

Q. And that would happen every once in a while?

A. She would dip every once in a while.

Q. But she would keep it out three or five minutes at a stretch between dips?

A. She would keep it out of the water more than it was in the water. The length of time it is impossible to say, but I give you three to five minutes to be done with the question and give you an answer.

Recess to two o'clock. [2101—1269]

**[Testimony of Yoshiguma Oda, for Libelant.]**

Direct examination of YOSHIGUMA ODA, a witness called on behalf of libelant Miller Salvage Co., Ltd., and sworn.

Mr. WEAVER.—Q. What is your name?

A. My name is Oda.

Q. Have you any other name?

A. Y. Yoshiguma. Y. Oda.

Q. Y. what? A. Yoshiguma.

Q. Were you working for the Miller Salvage Co. in December, 1909? A. Yes.

Q. Did you—do you know the boat "Concord"?

(Testimony of Yoshiguma Oda.)

A. Yes, sir.

Q. Do you know the boat "James Makee"?

A. Yes, sir.

Q. Any other boat were you working on that month? A. "Kaimiloa."

Q. What work, if any, did you do for the Miller Salvage Co. on any of those boats in December, beginning with the first work and continuing? State what work you did, beginning at the earliest date?

A. I'm working carpenter, December 7.

Q. What work did you do on December 7?

A. Took off smashed windlass on "Concord."

Q. Yes, what else? A. Stern chock.

Q. What chock?

A. Stern chock of the "Concord."

Q. Any other? A. Rails. That's all.

Q. Did you do any other work on the "Concord" that month?

A. Yes, working on "Kaimiloa."

Q. No, on the "Concord." I speak of the "Concord." Did you do any other work, repair work on the "Concord" that month? A. That's all.

Q. You spoke of the "James Makee." Did you do any work on the "James Makee" that month?

A. Yes. [2102—1270]

Q. What?

A. Fix the rail of the stern and davit and the bow bitts, bow chock, stern iron chock. That's all.

Q. What did you do to those things? Tell what you did.

A. That's take off, put new one on there.

Q. What did you take off? A. All smashed.



(Testimony of Yoshiguma Oda.)

Q. What was smashed? What?

A. Thursday the ship—

Q. What was smashed? All smashed, you say.  
What was smashed, what things?

A. Those things, rails and davit and bitts, stern iron chock.

Q. That's on the "James Makee"?

A. "James Makee."

Q. When did you see that "James Makee" first?  
You say you started work what time—when you started work on the "James Makee"?

A. "James Makee"? January. I think January, 1910.

Q. And the "Concord," when did you start?

A. "Concord" I start seventh morning, 1909.

Q. Seventh of what month?

A. December; 7 of December, 1909.

Q. Did you see anything the matter with her? If so, what—that morning?

A. Saw break the things.

Q. Well, what did you see broken?

A. Windlass, rail, stern chock, bow chock.

Q. Well, now, you say windlass broken; what was the matter with that?

A. Windlass all broken, all comes up.

Q. How about the rail, what was the matter with that?

A. Rails smashed in there. What you call the rail that only broke up above deck, up above on the deck all broke up.

Q. And you spoke of the stern chock. What was the matter with that?

(Testimony of Yoshiguma Oda.)

A. Stern chock all comes out, gone. [2103—1271]

Q. All gone, you described it. Tell more about what was broken, what was gone.

A. Gone piece chock iron. That's all gone and broke to pieces too.

Q. Was anything the matter with the deck around it?

A. Kind like iron, that's old rail. Comes out. Rails gone and iron gone too.

Q. And the bow chock, what was the matter with that?

A. The bow chock only half gone, leave half.

Q. Was there anything damaged except the chock? Anything beside the chock damaged, broken?

A. Chock and rail. Chock comes out and rail is broken.

Q. That's on the "Concord." Now, you spoke of the stern rail of the "James Makee." How much was that broken? A. Only half way.

Q. And davits, how were they injured?

A. Davits bust up, leave one-half and top side gone.

Q. And bow chock on the "James Makee," what's the matter with that?

A. Bow chock all gone, broke the rail.

Q. Who worked on this job? Did you work yourself? Yes, the "Kaimiloa." What is the matter with her? A. Bow bitts gone.

Q. How much? What's the matter with her?

A. Broke some above deck, all gone.

Q. Above deck, did you say?

A. Yes, above deck all gone.

(Testimony of Yoshiguma Oda.)

Q. Anything else?

A. Stern about one-quarter right in the corner broken.

Q. You told me and the Court wants to know how much broken on the stern. You show, you speak.

A. That "Kaimiloa" have good rail above deck; right winch cornice gone, cornice of the vessel.

Q. You mean corner?

A. I say guard rail on the "Concord."

Q. Anything else?

A. Yes, side piece timber, [2104—1272] side piece, starboard.

Q. Where?

A. Starboard side right in amidships.

Q. What's the matter with that?

A. That's smashed in.

Q. How badly smashed in?

A. That's something strike goes in.

Q. Right through? You say "in," right through the timber or only broke?

A. Outside piece broken.

Q. How many—how much space broken? How many places or how much?

A. About two foot by six.

Q. How far was this above the water this place broken? A. Near the deck, just foot down deck.

Q. Any other damage you know? You mean one foot below the deck? A. Yes, below the deck.

Q. Do you know of any other damage?

A. That's all.

Q. Now, who did this work with you, if anybody?

A. That's mine and my men.

(Testimony of Yoshiguma Oda.)

Q. Yourself?

A. Yes. I, yes. I and three extra carpenter.

Q. Three extra carpenter? A. Yes.

Q. Who were they?

A. Tokiyamada, Kuroshiga, Tokiyama, Okubo.

Q. Are these men you are giving now, are they the extra carpenters you are speaking of or extra men?

A. First three, extra carpenter; Tokiyamada, that's helper; Kuroshiga, carpenter; Tokiyama, carpenter; Okudo, helper; Watanabe, helper; Kume, helper; Kosumi.

Q. What was he?

A. That's helper. That's two extra carpenter. That is next month. First one December of 1909 and this one next one, January, 1910.

Q. What's the next one? Who do you mean?

A. Next year. [2105—1273]

Q. Now, tell what work was done. Have you got any other carpenters that worked except those you gave us? A. That is all.

Q. You say two extra carpenters, two new men. Could you give us their names?

A. Last one two extra carpenter.

Q. You got their name here? A. Yes.

Q. Have you given name before? A. No.

Q. What's their name?

A. That's Moritoma, Yamaguchi.

Q. When did they work, what month?

A. That's January, 1910.

Q. Now, go on. Will you tell us what work was done on any of these three vessels in December in

(Testimony of Yoshiguma Oda.)

repairing the damage you saw and give us the work done, the number of days' work and what the wages of the men were, if you know?

A. Three extra carpenter, sixty-three days from December 7 to end of month, \$2.50 a day, 157.50.

Q. Well, what were those men working on?

A. Oda. Working on "Concord."

Q. On what? A. "Concord" and "Kaimiloa."

Q. Is that all? A. Yes.

Q. Did you know whether or not they were paid by the Miller Salvage Co. of your own knowledge?

Q. Excuse me, what you say?

Mr. OLSON.—I object to the question on the ground it is leading.

The COURT.—Objection sustained.

Q. Do you know whether they were paid?

A. I paid them.

Q. You paid them? A. Yes.

Q. And how much did you pay them, this crowd? 157.50? A. Yes. [2106—1274]

Q. How much did you pay them? You say their wages were 157.50. I want to know how much you paid them?

A. Captain Miller gave to end of month, all over, first \$191.00 and I get it divide up.

Q. Were they paid or not, if you know, these men, 157.50? A. What you say?

Q. Were these men paid? You say you paid them? A. Yes, paid.

Q. Didn't you say you paid these men?

A. Yes, I paid them.

Q. How much did you pay them for that work?



(Testimony of Yoshiguma Oda.)

You said wages were 157.50. How much did you pay them, those three men you speak of?

A. That's about \$25.00 a piece.

Q. This 157.50 were their wages. Now, how much were they paid altogether? How much did you pay the three extra carpenters for their work up to the end of December? A. 157.50.

Q. Now then, did you have any other work up to the end of December? A. Oda, \$25.00.

Q. How's that? A. Oda.

Q. That's you? A. Yes.

Q. How many days did you work that month?

A. Twenty-five days from December 7 to end of month. \$3.00 a day, altogether \$75.00.

Q. You got this? How much a month did you get? A. Three dollars a day.

Q. How much were you paid then? How much were you paid for that work, you, yourself? You paid for all the months' work?

A. Yes. All month's work.

Q. I no count this one.

A. Those damage work.

Q. Were you paid by the Miller Salvage Co.?

Mr. OLSON.—I object to the question on the ground it is [2107—1275] leading.

Q. Were you or were you not paid for your work to the end of December? Somebody pay you for this work in December?

A. No, no pay. No pay December.

Q. Were you paid for the work? Somebody pay you some time for that work, you and your men?

A. I got some time.

(Testimony of Yoshiguma Oda.)

Q. You got your money?

A. I got money, that money next year January.

Q. Now, who paid you that money?

A. Captain Miller.

Q. Do you know who? Captain Miller?

A. Sometime Vanatta paid.

Q. Do you know what Captain Miller is? What his job? A. Yes.

Q. What he do?

A. He's captain "James Makee."

Q. Do you know the Miller Salvage Co.?

A. Yes, Miller Salvage Co.

Q. When Captain Miller paid you what you do? Did you do anything, give any paper, anything?

Mr. OLSON.—I submit, if the Court please—

Mr. WEAVER.—I'll withdraw the question.

Q. Now, we'll go to January. Will you—what work you do on any of these repair ships yourself in January? A. Oh, no?

Q. Yes.

A. Twenty-two days and a half from January 6 to end of the month; three dollars a day, 67.50.

Q. Now, then, did you have any carpenter with you, Tokiyama, was he working that month? That month did you have any carpenters working with you? A. Korushiga.

Q. Korushiga?

A. Fixed the boat. [2108—1276]

Q. What did he do?

A. Fixed the boat, "James Makee's" boat, \$59.65.

Q. And was he paid? Was Kuroshiga paid?

A. I paid, but not end of this month.

(Testimony of Yoshiguma Oda.)

Q. Never mind when you paid. Any time, was he paid any time? A. Yes, I paid.

Q. Where you get money? A. Captain Miller.

Q. Now, you spoke of your wages, 67.50. Were you paid? A. Yes.

Q. Where you get money?

A. Banatta, sometime Banatta.

Q. Vanatta, you mean? A. Vanatta.

Q. Vanatta of the Miller Salvage Co.?

A. Yes, he is bookkeeper the Miller Salvage Co.

Q. Did you have any other carpenter working?

A. That month carpenter that's all.

Q. Who's Tokiyama?

A. Tokiyama, the helper.

Q. What Tokiyama get a day? First, was he working that month at all?

Mr. OLSON.—I object to the question on the ground it is leading.

Q. Have you got carpenter except Kuroshiga?

A. Yes, that's different month.

Q. January, I speak of?

A. Just now we speak January.

Q. Yes, January; just now we speak of Kuroshiga. Was there any other carpenter working at that time?

A. Take twenty-four days and a half from January 6 to end of the month, 2.50 day, 61.25.

Q. What was that for?

A. Working "James Makee."

Q. Who was it? A. Korushiga.

Q. What month? A. January.

Q. Now, what is it? What is the amount that was due to Korushiga for work done in January, how

(Testimony of Yoshiguma Oda.)

many days was he working?

A. January he's work twenty-four days and a half.

[2109—1277]

Q. And what were the days?

The COURT.—He testified to that; needn't repeat it.

Q. What's that amount you gave, 59.65?

A. That's December; that's fix the boat, Korushiga December.

Q. Now, we speak of Korushiga in January?

A. January, Korushiga, twenty-four days and a half from January 6 to end of the month, at \$2.50, 61.25.

Q. Then Korushiga, as I understand, had wages due 9.65 in December and this other amount, 61.25?

A. Yes, paid every thing.

The COURT.—How much did you pay Korushiga for the work in December? 9.65? A. Day?

Q. How many days?

A. His contract is fix the boat 59.65.

Q. 59.65?

A. Yes, I didn't keep account the time.

Q. Now then, did Korushiga get paid, do you know? A. Yes, paid.

Q. Who paid him? A. I pay.

Q. Where did you get the money?

A. Captain Miller.

Q. Did you have any other carpenter there that month, in January? A. Moritomo.

Q. Well, what did he do?

A. "Concord." Moritomo and Yamaguchi, two men, altogether twenty days from January 14 to end

(Testimony of Yoshiguma Oda.)

of the month, a day, \$2.50, \$50.00. First five days two men work; rest one man so make 20.

Q. \$50.00. Were they paid? A. Yes.

Q. Who paid them? A. I pay.

Q. Where did you get the money?

A. Vanatta.

Q. Vanatta? You mean Miller Salvage Co. man?

A. Yes, sir.

Q. What other men working that month, in January? [2110—1278] A. Komi.

Q. Who was he? A. Helper.

Q. Komi, helper. What's the time?

A. Seven days and five hours overtime. An hours, twenty cents. From January 6 to ten. Six to ten and fifteen two and a quarter hours and one and three-quarters hours on ten; one hours eleven.

Mr. OLSON.—How many hours altogether?

A. Altogether five hours.

Mr. WEAVER.—Five hours at how much?

A. One days, \$1.50, \$11.50.

Q. Will you tell again how many, what wages Komi got for the month of January and how many days' work he did altogether? A. Komi?

Q. Komi, yes.

A. Seven days and five hours overtime.

Q. Seven days?

A. Seven days and five hours overtime.

Q. How much did he get a day? A. 1.50.

Q. Did he do any other work that month other than on these vessels?

Mr. OLSON.—I object to the question on the ground it is incompetent, irrelevant, and immaterial.



(Testimony of Yoshiguma Oda.)

The COURT.—I don't see that that's material, Mr. Weaver.

Mr. OLSON.—The objection is sustained?

The COURT.—Sustain the objection.

Q. Did you have any other men working there with you? A. Komi.

Q. Besides Komi. In January?

A. I'm very sorry. Komi and Kasumi mistake. First one Kasumi, seven days and five hours overtime.

Mr. OLSON.—Not Komi? A. Not Komi.

Mr. WEAVER.—Kasumi? A. Kasumi.

Q. Now, then, did you have any other men helping you that [2111—1279] month?

A. Komi, 17 days from January 3 to 15; 21 to 22.

Recess.

Q. You may go on.

A. 17 days. A day, 1.50, \$25.50.

Q. Was this amount paid? A. Yes, sir.

Q. Who paid him? A. I pay.

Q. Where did you get the money to pay him?

A. Captain Miller.

Q. Any other men? A. Watanabe.

Q. What did he do? How much work did he do?

A. Twenty days from January 3 to 15; 22, 25, 26, 28, 29, 31. A day, 1.50; \$30.00.

Q. Yes. Was he paid? A. I paid.

Q. Where did you get the money to pay him?

A. Vanatta.

Q. And any other?

A. Okuba, 11½ days from January 6 to 15. A day, 1.50, \$17.25.

(Testimony of Yoshiguma Oda.)

Q. Was he paid? A. I pay.

Q. Where did you get the money to pay him?

A. Captain Miller.

Q. Do you know of any other work, any other work done by these men on these vessels, repair job?

A. Tokiyama.

Q. Tokiyama?

A. Tokiyama eight days and a half 21.25.

Mr. OLSON.—How much a day.

A. A day, 2.50 from January 6 to 14.

Mr. WEAVER.—Was he paid? A. I paid.

Q. Where did you get the money to pay him?

A. Captain Miller.

Mr. WEAVER.—That's all. Oda one item and Kuroshiga two items?

A. Altogether total money [2112—1280] 591.40.

Q. Where did you get this 591.40?

A. Captain Miller.

Q. What you do with the money?

A. I paid these men those wages.

Q. And what was all this work done for in January, all this work that you paid that sum for?

A. Yes, all I pay.

Mr. WEAVER.—Withdraw the question, the Court understands it. That's all.

Cross-examination of Y. ODA on behalf of libelee.

Mr. OLSON.—Q. Now, then, Mr. Oda, take the case of the "Concord." You say that the windlass was broken up and the stern chocks were gone and the rail smashed in and the bow chock was only half gone. You knew the "Concord" before, did you

(Testimony of Yoshiguma Oda.)

not? You had seen the "Concord" before?

A. No.

Q. Never before? A. Never before.

Q. Never been on "Concord" before? A. No.

Q. Was the windlass on the "Concord" broken up, smashed up? It was right there?

A. Excuse me.

Q. Was the windlass on the "Concord" broken up? Was the windlass broken? A. Yes.

Q. Were the pieces there?

A. Yes, some piece left.

Q. What was it, an old windlass, one that looked like it was old or worn? A. No very old.

Q. Not a very old windlass? A. No.

Q. Had it been worn very much? Could you see?

A. Not much.

Q. You couldn't see? You saw that?

A. I saw it.

Q. Now, where the stern chock was, you know the stern chock? [2113—1281] A. Yes.

Q. That was all pulled out? A. Pulled out.

Q. Now, how was the wood around that? Was that new wood or old wood, rotten wood?

A. New wood.

Q. New wood?

A. Because I fixed that year before.

Q. Oh, you said you had never been on the "Concord" before, I understood. You were on the "Concord" a year before? A. Yes.

Q. Then you saw the windlass before, didn't you?

A. Yes, I saw the windlass.

Q. What kind of a windlass was it?

(Testimony of Yoshiguma Oda.)

A. Wood windlass.

Q. How was it where the bow chock was pulled out. You saw the wood around that. Old or new?

A. About not very old. That is solid wood, that's all oak.

Q. What? A. Piece oak.

Q. Piece of oak? A. Yes.

Q. Where the bow chock was pulled out?

A. All around deck piece oak, break it up.

Q. What was the condition of the rails? What kind of rails were they, the rail that was pulled out? What kind of a rail was it? A. Oak wood rail.

Q. All right. What about the "James Makee"? What about the wood around the place where they were torn out there? A. That's new wood.

Q. All new wood? A. All new wood.

Q. What about the "Kaimiloa"?

A. "Kaimiloa," that's—that's not very good wood.

Q. Not very good wood? A. No.

Q. Old? A. Yes.

Q. And the bitts kind of rotten? [2114—1282]

A. Bitts new.

Q. But the wood around the bitts?

A. Around the bitts? That's the same kind of wood put on three years ago.

Q. What about the rails and the starboard rail, the timber was knocked in? Was that old and rotten?

A. Yes, inside one no very good but outside one that's new wood.

Q. What about that starboard timber that was knocked in? You said it was two feet by six timber. What kind of wood was that—old or new?

(Testimony of Yoshiguma Oda.)

A. That's "Kaimiloa," two-inch sheeting.

Q. I'm asking you what kind of wood?

A. Outside good wood.

Q. What kind of wood was that? Oak?

A. That's pine.

Q. Old or new? A. New one.

Q. Pine wood? A. Pine.

Q. How thick?

A. Double board, inside three inch, outside two-inch sheeting.

Q. The inside wood was old and rotten?

A. Inside one good order and outside good one.

Q. The inside wood was old and rotten, was it?

A. It is not very good, inside one.

Q. How about the rail that was torn out of the "Kaimiloa"—was that old or pretty old, no good?

A. "Kaimiloa"?

Q. Yes. A. "Kaimiloa" have good rail.

Q. Stern rail? A. Stern corner.

Q. It was the rail?

A. No, not the corner of the stern.

Q. Was that old or new? A. That's new one.

Q. What about inside wood there?

A. Inside timber no very good, but timbers on outside piece [2115—1283] I was fix about three years ago, same time fix the sheeting.

Q. But the inside part was old and rotten?

A. Yes, inside no very good.

Q. Now, you are sure that all these men worked all this time that you talk about on these three boats?

A. Yes.

Q. No other work at all? A. No.



(Testimony of Yoshiguma Oda.)

Q. Worked all the time? A. Yes.

Mr. OLSON.—That's all.

Mr. WARREN.—I have no questions.

The COURT.—Did I understand you to say you never saw the "Concord" before? When you go to fix the windlass was that the first time you saw her?

A. Yes, sir.

Q. Then you said something about fixing the wood around the deck one year ago. You didn't mean one year before you saw the windlass, did you? I'll change that question. When you said that the wood around the stern chock was new, you'd fixed it one year ago? A. Yes.

Q. You mean one year before now?

A. Yes, one year before I would fix.

Q. Before now, you mean?

A. Not now. I said one years before time, 1909.

Q. One year before 1909?

A. Yes, one years ago 1909.

Q. Then what did you mean when you said you never saw the "Concord" before you had fixed the windlass? What was the first time you saw the "Concord"?

A. First time saw the "Concord" five years ago.

The COURT.—Very well, that is satisfactory.

Mr. WEAVER.—If your Honor please, I've checked up this list that I had and the list that he has and I ask permission to open his direct examination for one question about one item.

The COURT.—Very well. [2116—1284]

Q. I'll ask you to tell me whether there was any workman or helper by the name of Tokuyamada.

(Testimony of Yoshiguma Oda.)

Was there any man by the name of Tokuyamada?

A. Tokuyamda working.

Q. What was he? What kind of work?

A. He is helper. Sometime carry the lumber, sometime bring oakum around the job.

Q. How much did he get a day? A. 1.50.

Q. What month was he working?

A. December.

Q. How many days did he work? A. Ten days.

Q. What did he get a day?

A. Ten days. A day, 1.50, \$15.00.

Q. Was he paid? A. I paid.

Q. Where did you get the money?

A. Captain Miller.

Mr. WEAVER.—That's all.

Mr. OLSON.—No further questions. [2117—1285]

Monday, September 11, 1911.

**[Testimony of John Scott, for Libelant.]**

Direct examination of JOHN SCOTT, a witness called on behalf of Libelant Miller Salvage Co., Ltd., and sworn.

Mr. WEAVER.—Q. What is your name?

A. John Scott.

Q. What is your business, Captain?

A. Steamship master of vessels.

Q. What was your business in December, 1909?

A. I was master of the "Makee."

Q. Do you know the ship "Celtic Chief"?

A. Yes.

Q. Did you have anything to do with her in December, 1909?

(Testimony of John Scott.)

A. I don't know, Judge, about the date, but I come in from the other side, Koolau, on Monday, I think she went ashore. I was ordered to tow the "Makee" out the next morning, I think it was.

Q. Then you think it was Tuesday?

A. I think it was Tuesday. As far as the dates go I didn't keep track of no dates.

Q. What did you do?

A. I was ordered to tow the "Makee" out.

Q. From where?

A. From Honolulu. I don't know just what wharf she was at but I towed her out with the big anchor.

Q. Where did you tow her to?

A. Towed her out to where the wreck was. There were three or four boats towing. I don't remember just the names of the boats, all of them, but I went just on the Ewa side of the "Helene."

Q. What position from the "Celtic Chief"?

A. It would be on her port quarter from the "Celtic Chief." [2118—1286]

Q. In so doing, what manoeuvres did you have to make, if any?

A. I had to manoeuver to get the "Makee" in position to lay the big anchor where Captain Miller wanted it.

Q. How did you manoeuver? A. Sir?

Q. How did you manoeuver?

A. Well, I towed her where he wanted to lay the big anchor. I laid his anchor and got the men busy in order to run his surf line to the ship. At that time I run a line down to the ship and aboard of her.

(Testimony of John Scott.)

Q. A line down to the ship. What line do you mean?

A. We'd call it hauling line or surf line. It was a heaving line.

Q. You got it aboard the ship. What happened to it then, if anything?

A. I passed it aboard the ship. They made it fast. Miller got there and threw his wire off.

Q. Did you have any conversation with the captain of the ship at that time? A. Not that day.

Q. About that line?

A. Yes, I guess we did. It must be evening; it was evening when I got down there, if I remember right. I sung out, "Take a line from me," and nobody seemed to want to take a line, but George Fern, I think Mayor Fern's brother, was there and he took a line from me. Take it into the port quarter chock just as far as the break of the poop; made it fast. Then Captain Macaulay was there. I could see him. I remember now it was evening. Captain Macaulay and the captain of the ship said, "Hold on there, you"; and we said, "Who's that speaking?" and he mentioned his name, captain of the ship. I said, "All right." That's all the talk I had with him.

Q. Then what did you do after that?

A. I went into Honolulu Harbor that night and I was prepared [2119—1287] the next morning to go back for the "James Makee," and he picked up his anchor and put it in another position. We went between the "Helene" and the towboat "Intrepid."

Q. What manoeuvres did you do there?

A. I had a whole lot of manoeuvres that morning.

(Testimony of John Scott.)

Q. What did you do?

A. I got the gear out there where the ship was anchored and got them right in line with the stern of the ship. When he got his lines on the ship I had to go to the back end to pull her out and in backing down I—

Q. How near were they to you?

A. They was towing pretty close up. I suppose I was not up to you, about one hundred and fifty feet apart between the towboat and “Helene,” and I had to back down between them.

Q. Any other vessels near the vessel?

A. Well, first time I back down I got washed around so I had to go right plumb over the ship, the “Helene’s” towline, and I swung around there.

Q. Is there any— A. Sir?

Q. Is there any danger from that?

A. There’s danger. Had my propeller get afoul of his towline there would have been lots of danger.

Q. Why did you go over his line?

A. As far as I could see the captain of the “Helene” letting his towline down.

Q. What did you do after that?

A. I steamed around the “Helene” and came back to the same position until I come to the “Makee.”

Q. Then what did you do?

A. Towed her out.

Q. Towed her out where?

A. Towed her out to the vessel. The German man-of-war wanted to get his steel hawser right in the position I was in. He wanted me to get out of the road.



(Testimony of John Scott.)

Q. What did you do after that?

A. Tow the "Makee" to her anchorage; went to Honolulu about my business.

Q. Then you towed her— A. I towed her.

Q. What do you mean? A. To her anchorage.

Q. What anchorage, if you know?

A. Where the other vessels were towed. She anchored there and stayed by the wreck. I went about my business.

Q. How long were you engaged in such business, Captain?

A. I think it was Tuesday—Wednesday the whole day was taken up from that Tuesday night, Tuesday evening.

Q. What was your crew?

A. I had ten men, and engineer, and myself. Twelve of them.

Q. What did you receive? What wages did you receive a day, Captain?

A. Well, my wages were five and a half a day.

Q. And was there any officer besides yourself?

A. No.

Q. Engineer? A. Engineer, of course.

Q. What was he getting? A. Three and a half.

Q. Was there any other officer? What is the other officer?

A. ————.

Mr. OLSON.—What?

A. ————, the Japanese; he gets \$10.00 a week; cook gets 9.00; two quartermasters get 8.00; seven seamen, they get 7.50.

Mr. OLSON.—The balance of them, the rest of

(Testimony of John Scott.)

them? A. Yes; seven seamen.

Mr. WEAVER.—7.50 a week?

A. 7.50 a week, yes.

Q. And what is done about their board, if anything? A. Oh, they get board, too.

Q. Do you know what that costs per week?

A. Well, really, I don't know. They get food as good [2121—1289] as could be in the harbor. They get the best in the market.

Q. You don't know what it costs?

A. No, really, I don't know what it is for groceries and meat and other things.

Mr. WEAVER.—That's all.

Cross-examination on Behalf of Libellee.

Mr. OLSON.—Q. You said, Captain, that you took the "Makee" to the Ewa side of the "Helene"? That is to say, on the port quarter of the "Celtic Chief"?

A. Yes.

Q. On Tuesday evening?

A. Tuesday afternoon or Tuesday evening; I don't just remember the hour and minute.

Q. Just about how far to the port of the "Celtic Chief" was it?

A. Tuesday, probably two hundred feet.

Q. How far were you from the "Celtic Chief" when you placed the "James Makee"?

A. That would be probably five or six hundred feet.

Q. Five or six hundred feet from the "Celtic Chief"? A. Yes.

Q. That you placed the "James Makee." And was it pretty nearly at right angles to the stern?

(Testimony of John Scott.)

A. Yes, pretty near right—no, not exact right angle to it.

Q. That is, to the ship as she lay there, it was almost at right angles? A. It wouldn't be exact.

Q. Two hundred feet from the towboat and it would be six hundred feet from the ship, six hundred feet from the "Celtic Chief"?

A. Six or seven hundred feet.

Q. And the position was, not quite, almost, at right angles to the "Celtic Chief" on the port?

A. Yes, on her port quarter.

Q. As a matter of fact, there were two boats, weren't there, [2122—1290] two Inter-Island boats that were towing on the port quarter of the "Celtic Chief" at that time?

A. No, sir. No, just one; the "Helene."

Q. And the "Intrepid" was about astern?

A. The "Intrepid" would be almost astern.

Q. Now, you said you had no difficulty in getting that surf line on board the "Celtic Chief"?

A. No, no difficulty.

Q. The "Mokolii" is a launch, gasoline launch?

A. No, she's what you call motor vessel.

Q. She's a gasoline boat? A. Yes.

Q. Used for towing small craft around?

A. Towing the ——— around.

Q. Now, when you took that surf line, did you steam right from the "Makee" with the surf line? From the "Makee" alongside the "Mokolii"?

A. Yes.

Q. Had no difficulty in getting alongside the "Celtic Chief"? A. No.

(Testimony of John Scott.)

Q. And threw the surf line aboard? A. Yes.

Q. As a matter of fact, there was very little sea running? A. There wasn't much sea running.

Q. Fairly smooth, no wind?

A. There wasn't much wind.

Q. Light wind?

A. It was blowing some. What we'd call moderate trade winds.

Q. It was fair? A. Yes.

Q. Now, you don't know what actually took place aboard the "Celtic Chief" with reference to that line, do you, yourself? The only thing that you know was that you threw it over the rail?

A. Yes, and George Fern was the man that took it from me.

Q. George Fern is a brother of Mayor Fern of the City and County of Honolulu. How long was it aboard the deck when it was thrown over again?

A. I do not know, sir. I [2123—1291] didn't know it was thrown over.

Q. It came over?

A. It seems from what I heard—

Q. I'm asking you if it came over.

A. I didn't see it.

Q. Was that line passed through the chock of the "Celtic Chief"?

A. Passed from the port chock just before the break of the poop.

Q. Was it passed through the chock?

A. Passed to the chock and made fast. That's all I see. If it was let go I don't know.

Q. Did you see it made fast?

(Testimony of John Scott.)

A. I saw it made fast.

Q. To what?

A. It was made fast to the boat. George Fern took it through this hawse-pipe.

Q. Did you see those bitts?      A. No.

Q. I just want you to point out there the point you said you saw the line made fast. If I said that, that was a mistake. Her rail was too high up for me to see who took it through. George Fern sung out, "All fast."

Q. That's the reason why you said it was fast, because George Fern sung out, "All fast"?

A. What?

Q. Not because you saw it made fast?

A. No, sir.

Q. Do you remember about what time in the evening it was that you did this?

A. I should judge about half-past five or six o'clock. It was dusk, anyway.

Q. As a matter of fact, it was beginning to get dark?      A. Yes.

Q. You couldn't see a distance of one hundred or two hundred yards with any distinctness at all?

A. No. I could just discern Captain Miller and the captain of the ship.

Q. You could just barely make them out?

A. I could just barely make them out.

Q. Was the big anchor dropped alongside the "James Makee" [2124—1292] that evening Tuesday evening?

A. The big anchor from the "James Makee"?

Q. Yes.



(Testimony of John Scott.)

A. It was dropped from the "James Makee" that evening.

Q. It wasn't the "James Makee's" anchor; it was this big anchor?

A. This great big seven-ton anchor.

Q. It was the anchor that the "James Makee" put aboard of herself the Tuesday forenoon before that?

A. Yes; that's the one, big wooden stock anchor.

Q. Now, how much water was there where she was dropped?

A. I believe there was about four and a half fathoms, five fathoms of water. I don't know exactly.

Q. How much water was there at the place where the anchor was dropped on Wednesday, next morning?

A. That would be the same depth of water.

Q. There wasn't any particular difference in depth of the water around there anywhere?

A. No.

Q. Is the "Mokolii" a new boat or an old boat?

A. She is an old boat.

Q. You spoke of some difficulty in manoeuvring about there and referred to her as an old boat. Do you mean to say that she's as easily managed?

A. She's easily managed.

Q. What did you mean to say?

A. I meant to say it was a difficult position for me to be in where there is two steamers towing.

Q. What was the necessity of taking the "Mokolii" there?

A. I had to take her there to lay this big anchor.

Q. Wasn't the anchor laid a little bit further away?

A. A little.

(Testimony of John Scott.)

Q. Wasn't it about their bows?

A. Right between the two bows. It was right over then I backed down with the line.

Q. You brought the "Makee" up alongside the "Celtic Chief" with [2125—1293] the line aboard?

A. Backed down.

Q. There was a surf line, was there not, thrown up aboard the "Celtic Chief" that morning?

A. They got in one the first morning. It was in the wrong position, speaking of Wednesday morning, when she got his anchor there, it drifted away.

Q. Bow foremost? A. No, stern foremost.

Q. Toward the "Celtic Chief"? A. Yes, sir.

Q. Then, when the "Makee" was out of there or had put the line aboard the "Celtic Chief," you put your line aboard the "Makee" and began to tow her out?

A. Tow her out of the way.

Q. Bow foremost? A. Yes.

Q. There wasn't so much difficulty getting her out?

A. There was in getting in to get my line to it.

Q. How wide is the—that is the width of the "Mokolii" at her beam? A. Twenty feet.

Q. Twenty feet wide and she's easily managed?

A. Oh, yes.

Q. Now, when you say you went back and forth on account of the vessels, you mean—

A. When you are taking a steamer you can't steer her.

Q. You were taking the boat?

A. I was taking down the ———.

Q. If you had come so close to one steamer or the

(Testimony of John Scott.)

other, you could have reversed? A. I had to.

Q. You could very easily—there is no difficulty?

A. There is no difficulty.

Q. The only danger you referred to was when you went over the lines of the “Helene”?

A. That is the danger.

Q. Then the line was dropped down?

A. The captain of the “Helene” was watching. When he seen me coming over the line he must have lowered his line.

Q. Then you put your line aboard the “James Makee” and towed her up?

A. Backed down again to draw [2126—1294] it over again.

Q. When you got your line on the “James Makee” you towed her out, didn’t you? A. Yes.

Q. There was no difficulty in getting her out?

A. None.

Q. Did you catch your propeller in coming out?

A. No, sir.

Q. You didn’t break your propeller? Your propeller wasn’t broken?

A. It might have been broken, a blade gone.

Q. Might have broken a blade?

A. Broke that.

Q. What does it cost to replace one of those?

A. The ——— cost 150.00.

Q. That was the ——— that could have been bent?

A. Yes.

Q. The propeller might have been broken and it meant that the “Mokolii” would have to be towed out? A. Exactly what would have happened.

(Testimony of John Scott.)

Q. There wasn't rough enough water to endanger the "Mokolii" herself? A. No.

Q. Simply her propeller? That's right, is it, Captain? A. That's all.

Q. That's all. Now, when was it that you first went to take the "Mokolii," the "Makee" out to the "Celtic Chief" on Tuesday?

A. I believe it was Tuesday about noon time, as near as I can say.

Q. Now, you went over to the Hackfeld wharf?

A. Yes.

Q. What did you do?

A. Took the "Makee" in tow.

Q. But the "Makee" wasn't ready to be taken in tow until about four o'clock?

A. I don't just remember, but it was sometime Tuesday afternoon.

Q. Now, as a matter of fact, you got the "Makee" out to the place where Captain Miller wanted to drop the anchor, a little [2127—1295] bit before dusk? A. Yes.

Q. That would be about half-past five o'clock?

A. Probably about that time.

Q. How long would it take to take the "Makee" from the Hackfeld wharf out to the "Celtic Chief"?

A. Well, probably thirty-five or forty minutes; three-quarters of an hour anyhow.

Q. So, it must have been somewhere in the neighborhood of four o'clock that you took the "Makee" in tow at the Hackfeld wharf? A. Yes.

Q. That was all that you saw of the anchor aboard the "Makee" at the Hackfeld wharf? A. Yes.

(Testimony of John Scott.)

Q. What time was it that you got back again to Honolulu that Tuesday evening?

A. It was after dark. The fact of the matter is, I kept no log at that time. I had no log-book and I kept no record of anything.

Q. You got the "Makee" out there just about dusk. That would be somewhere in the neighborhood of half-past five. How long would it take before you had put your surf line on the "Celtic Chief" after that, half an hour? A. Yes, more than that.

Q. About an hour? It would be probably in the neighborhood of half-past six?

A. Something like that.

Q. It was somewhere about that time; is that right?

A. Yes, as near as I can remember, just dusk.

Q. When *the* let the surf line come off the "Celtic Chief" again you simply steamed back to the "Celtic Chief" and reported to Captain Miller?

A. Captain Miller was aboard the "Makee."

Q. What did he say? A. "Celtic Chief"?

Q. As soon as the surf line was let go from the "Celtic Chief"?

A. I don't know anything about that being let go.

Q. When it came off?

A. I don't know anything about [2128—1296] that. The first line was put aboard the "Celtic Chief" as I told you. Whether or not they made it fast I don't know, but somebody sung out to me, "All fast." I don't know anything about it being let go. I went back to Captain Miller. "Those folks didn't take a line; George Fern made it fast."



(Testimony of John Scott.)

"Who wants to put a line aboard the ship?"

"Who's that speaking?" "Captain of the ship."

He mentioned his name.

Q. That's all you told Captain Miller and you went back to Honolulu? It didn't take you over fifteen or twenty minutes?

A. Not over fifteen or twenty.

Q. So you'd be back at Honolulu within half an hour after dusk? A. Yes.

Q. That would be somewhere between six and seven o'clock? Not later than seven?

A. It couldn't have been as late as eight o'clock.

Q. If it was about dusk when the "Celtic Chief" was—

A. As I say, I might have stopped talking to captain half an hour. It would be about half past seven or eight o'clock in that neighborhood.

Q. Then, as a matter of fact, the actual time consumed by the "Mokolii" on Tuesday would be about from four o'clock until half-past seven o'clock, in connection with the "Celtic Chief"?

A. Well, it might be, but I was ordered to tow her out and if she wasn't ready I was standing by. I was there from noon.

Q. As a matter of fact, you weren't actually doing anything until about four o'clock?

A. It would be about four o'clock.

Q. Now, what work had you been doing just prior to that? A. What work had I been doing?

Q. Yes.

A. I was over around Koolau, the other side of the Island.

(Testimony of John Scott.)

Q. What did you do the next morning?

A. That is Wednesday morning?

Q. Yes.

A. I was ordered to go out [2129—1297] and stand by to tow.

Q. Was there any other work waiting for you?

A. My freight was waiting on the wharf.

Q. You got that all afterwards?

A. Afterwards. Of course, I was a day or two behind.

Q. The next morning what time was it that you went out to the "Celtic Chief" again?

A. It would be about eight o'clock.

Q. And when you got out there, what did you do?

A. Got my line aboard the "Makee," heave his anchor up, big anchor. I tow her to a position between the "Intrepid" and the "Helene" right directly astern of the "Celtic Chief."

Q. How long was it before you actually steamed back to Honolulu?

A. I guess it was pretty nearly noon when I got back to Honolulu.

Q. So you would say you spent from eight o'clock until twelve at the utmost on Wednesday that occasion? A. Yes.

Q. Then, after that you had nothing further to do with the "Celtic Chief"? A. No.

Q. Now, ordinarily, when you are working in the regular course of business, when does your day start?

A. Seven o'clock.

Q. And you keep on to what time?

A. Five o'clock.

(Testimony of John Scott.)

Q. Five o'clock. That's your day. How much do you allow for at noon? A. Time for meals?

Q. Yes. A. One hour.

Q. So from seven to twelve that would be five hours and then from one to five, four hours; nine hours altogether for a work day? A. Yes.

Q. Did you go over to the "Celtic Chief" on Wednesday morning with Captain Miller?

A. No, sir. [2130—1298]

Q. How did he get aboard of the "Celtic Chief," do you know?

A. Probably went aboard on the whale boat. He had the whale boat from the "Makee."

Q. Did you have any conversation at all with Captain Macaulay or the captain of the ship on Wednesday? A. No, sir.

Q. As a matter of fact, you don't know at all the reason why that line was let go, if it was let go on Tuesday evening, of your own knowledge?

A. I do not.

Q. Did you put the line, the surf line, on board the "Celtic Chief" on Wednesday morning?

A. No, sir.

Y. Who put it on board?

A. I didn't see it put aboard.

Q. Weren't you there near the "Makee" there?

A. When she backed around?

Q. Yes.

A. I was there but I don't know how the surf line was put on.

Q. You didn't have anything to do with that?

A. No, sir.

(Testimony of John Scott.)

Q. You saw them at work at that?

A. I saw them at work. I was over there.

Q. Did the "Celtic Chief" have some men on board the "Celtic Chief" there to take that line aboard, Wednesday morning as far as you observed? You don't know? A. No.

Q. What did Captain Miller tell you to do when he told you to change the position of the "James Makee"?

A. Told me to go get the tow-line from her and he hauled his anchor up to get between the "Intrepid" and the "Helene."

Q. He told you to tow in that position?

A. Certainly. [2131—1299]

Q. Did he tell you that?

A. Well, no. He gave the orders to go out and get the "Makee" and tow in another position.

Q. When you got out there, did you talk to Captain Miller?

A. Yes, sir. Captain Miller told me take his lines when he hove the big anchor up to shift between the "Intrepid" and "Helene."

Q. That was about eight o'clock, Wednesday?

A. Wednesday morning.

Q. You don't know whether Captain Miller had been aboard the "Celtic Chief" before that time?

A. No, I don't know.

Mr. OLSON.—That's all.

[Testimony of George E. Piltz, for Libelant  
(Cross-examination).]

Cross-examination of Captain PILTZ, on Behalf of  
Libellants Inter-Island Steam Navigation Co.  
and Matson N. Co.

Mr. WARREN.—Q. I understood you to say, Captain, that you had to do some manoeuvring on Tuesday night to get the "Makee" in the position that Captain Miller wanted to bring that anchor?

A. On Tuesday night.

Q. On Tuesday night, when you got out there, how much of that did you have to do? What manoeuvring did you do to get to the spot?

A. When you take a vessel out in tow to lay an anchor you've got to manoeuver it just what the Captain shows me.

Q. Where was Captain Miller?

A. Captain Miller was on board the "Makee," "James Makee."

Q. And did Captain Miller give any instructions as to where to and where to stop?

A. Certainly, he gave me the orders.

Q. He gave you orders from time to time as you were manoeuvring around?

A. As I was towing; yes.

Q. Sung out to you, "All right, stop"? [2132—1300] A. Yes.

Q. He gave orders when to drop the anchor? You were just sufficient distance from the "Makee" for orders to be given across the water?

A. Oh, yes, just the length of the tow-line, a short tow-line.



(Testimony of George E. Piltz.)

Q. Then you took the surf line aboard the "Mokolii," did you, after you dropped the anchor?

A. Yes, sir, when he dropped the anchor.

Q. Where was the surf line on the "Makee"?

A. The surf line was passed over from the "Makee" to the "Mokolii."

Q. How large a line is that?

A. About three-inch line, three and a half; regular surf line.

Q. You didn't use a heaving line at all?

A. There was no heaving line attached to it.

Q. When you got over to the "Celtic Chief" there was no use made of the heaving line? A. No.

Q. How did you get that surf line passed up?

A. Threw it overboard.

Q. How high was the rail, the deck of the "Celtic Chief"?

A. It might be eight or ten feet higher than the "Mokolii," from the "Mokolii" upper deck.

Q. When you threw it aboard it went over the top of the bulwarks, did it?

A. It went over the top of the bulwarks.

Q. How was it fast to the deck?

A. Through iron chock; it was made fast through chock. Made it fast so far as I know.

Q. How soon after that was it that Captain Henry wished to know whose line it was?

A. The captain asked me before the line was aboard. He said, "Who authorized you to put this line aboard the ship?" I sung out to him, I said, "Captain Miller." I said, "Who's that speaking, please?" He mentioned his name, said captain of the ship. [2133—1301]

(Testimony of George E. Piltz.)

Q. Did you hear any orders given by the captain of the ship?     A. No, sir, I did not.

Q. How long did you remain there?

A. Just as soon as the man sung out, "All fast," I had no business to stay around there. I went away.

Q. You don't know, then, anything about it being let go?     A. No, sir.

Q. When did you first learn afterwards that it had been let go?     A. I heard it in the morning.

Q. The next morning?

A. The next morning I was told.

Q. And you went back to Captain Miller and reported to him that night what had taken place with the line down there on board and made fast?

A. Exactly.

Q. You stayed there about half an hour?

A. I might have stayed about half an hour or little over, if I remember.

Q. And during all that time you didn't know that the line had been let go?     A. No, I did not.

Q. What were you doing during that half hour? Just lying alongside and talking to Captain Miller?

A. Probably laying there talking or waiting for orders.

Q. When you went in, back to the harbor that night, your best information and you believed it, that your line was fast on board that ship?

A. Yes, sir.

Q. What was the purpose of putting that heaving line on board of the ship?

A. The hauling line? To haul the big anchor.

Q. During that time that you —— by the

(Testimony of George E. Piltz.)

"Makee," was anything done toward laying that anchor line to the "Celtic Chief"?

A. That I don't know. I believe Captain Miller had a crowd of men to pull that line aboard but I don't know. I wasn't aboard of her. So far as I believe, he had some men on board to pull that [2134—1302] wire on board.

Q. So far as you know that line was pulled aboard that night. You didn't see anything yourself during your stay with Captain Miller after you had been to the "Celtic Chief" indicating whether or not they were putting the anchor line aboard or not?

A. No, I didn't see anything after I got the surf line aboard. I didn't see anything more.

Q. You went over to the "Makee"? A. Yes.

Q. Now, the anchor line was on the "Makee"?

A. The wire?

Q. Yes.

A. And the other end of the surf line would be on the "Makee."

Q. During that time there wasn't any effort made to run the anchor line to the "Celtic Chief"?

A. Not that I saw.

Q. Not while you were there? A. No.

Q. There wasn't anything in the condition of the surf line to indicate that it might have been let go at the other end? A. No, sir.

Q. Did you notice the surf line at the "Makee" end?

A. Surely, must have; it was fast to the wire. They must had that end all right.

Q. You didn't see it? A. No.

(Testimony of George E. Piltz.)

Q. When you got there in the morning, did you see that surf line?

A. No, sir, I didn't see it then.

Q. Would you have seen it if it had been running from the "Makee" to the "Celtic Chief"?

A. Never bothered to look for that surf line because I wasn't at the back end of the "Makee." I was at the Honolulu—I was ordered to go and put a tow-line on the "Makee" and tow her. I never bothered [2135—1303] about that surf line.

Q. How long did it take to get up the anchor?

A. It took them probably half an hour to get that big anchor up.

Q. And from the time you began pulling it up until you got it down again the second time, how much time elapsed?

A. Probably an hour and a half or two hours.

Q. So if you got out there about seven o'clock on Wednesday morning—did you say seven or eight?

A. The whole forenoon was used up anyway.

Q. Did you say you got out there on Wednesday morning at seven or eight?

A. It was after seven because we turned to at seven.

Q. So the whole morning was taken up in getting the anchor in place the second time?

A. Yes, the whole forenoon was taken up.

Q. In coming out on Tuesday night, you could just as well,—if your orders had been given,—have gone to the spot where you dropped it on Wednesday morning? A. Yes.

Q. Now, in passing the line from the anchor, from

(Testimony of George E. Piltz.)

the place it was **dropped on** Wednesday morning, to the "Celtic Chief," why couldn't that surf line have been simply fastened to the anchor and taken right through to the "Celtic Chief" without having dropped the anchor?

A. I didn't drop it. He simply had his wire and passed it on to the "Celtic Chief" and had a boat to run his line.

Q. You just had a small boat to run the line?

A. Yes, my small boat.

Q. When you said the German man-of-war wanted you to get out of the road what did you mean?

A. The German man-of-war officer, he was there with a steam launch from the German man-of-war and he was off there wanting [2136—1304] to get a steel hawser on the ship and he wanted to know what I was doing there. I told him. That was the time I was pulling the "Makee" out. He couldn't seem to understand a gasoline boat towing a steamboat. He said, "What are you doing, sir?" I said, "Why, trying to get this steamer out."

Q. And what did he say to you?

A. That's all there was to it.

Q. I thought you said he wanted you to get out of the way? A. That's so.

Q. What did he say to indicate that?

A. He asked me what I was doing there. I told him I was trying to tow this boat. I thought he wanted me to get out of the way because he wanted to get his wire hawser aboard the ship.

Q. You say you dropped the big anchor about five or six hundred feet from the "Celtic Chief" on Tuesday night?



(Testimony of George E. Piltz.)

A. Yes, I judge about six hundred feet.

Q. About how far from the "Celtic Chief" on Wednesday morning?

A. It would be probably about the same distance only in a different position.

Q. Probably five or six hundred feet, you say?  
Six hundred?      A. Yes.

Q. How do you know that was a seven-ton anchor?

A. I do not know that was a seven-ton anchor; it's just what Captain Miller calls it. I have never seen it weighed.

Q. Nor seen any numbers on it?      A. No, sir.

Q. In saying it was a seven-ton anchor, you were simply giving what you heard?

A. It's called a seven-ton anchor. I've never seen no figures on it.

Q. And it might just as well have five tons as far as you know?

A. Just as well as far as I know. [2137—1305]

Q. When you say that you crossed the "Helene's" lines and the captain slacked them down when he saw you were approaching so that you could go over them, about what time in the morning was that?

A. Well, it might have been—

Mr. OLSON.—I object to the question on the ground that it assumes something that is not in the testimony.

Q. That is, as far as you know, you thought that the captain of the "Helene" must have slacked them?      A. I only thought he gave orders.

Q. Did you see the "Helene's" line just before that?      A. I saw her line and I saw her towing.

(Testimony of George E. Piltz.)

Q. How was it then, up or down?

A. It was just out of the water and I could have never got over it.

Q. About what time was that you say that you guess the "Helene's" line was slacked?

A. As far as it is concerned, I really can't tell the time. I kept no record of anything, no log or anything of that kind, but it was in the forenoon.

Q. It might have been in the middle of the forenoon? A. Yes.

Mr. WARREN.—No further questions.

**[Testimony of John Scott, for Libelant (Redirect Examination).]**

Redirect Examination of JOHN SCOTT.

Mr. WEAVER.—Q. Captain, you referred to the depth of the water where you first placed the "James Makee" on Tuesday night as four or five fathoms. What observations, if any, did you make to ascertain that depth?

A. I don't know that from any observations. I've been going over that ground so long that I know what there is there.

Q. Make any soundings there?

A. No, not at that time. I took no soundings.

**[2138—1306]**

Q. And you stated that the depth of the water where you placed the "James Makee" on Wednesday morning was about the same depth?

A. Yes, it's all one line right along there, even depth from probably five to five and a half fathoms of water.

(Testimony of John Scott.)

Q. Five to five and a half, how do you judge that?

A. I can't really answer that, but I've been going over there so long that I know pretty near.

Q. How do you tell the exact depth, five to five and a half fathoms? By what means do you ascertain that? A. I can see the bottom.

Q. Can you judge the depth by looking at the water? A. Yes, in certain places like that.

Q. How near can you judge?

A. I can judge anything within five or ten fathoms if it's a clear day.

Q. How near to the correct depth can you judge by looking into the water.

A. I can judge about five or ten fathoms by looking.

Q. Have you ever made any experiments to see whether you are right?

A. I suppose I've sounded that lots of times.

Q. What?

A. I have sounded there lots of times.

Q. But not at the time you speak of. It was about five and a half fathoms. You spoke of the damage that might have occurred to the wheel of the "Mokolii" while manoeuvring over the line and between the other vessels. Is there any other damage that might have occurred?

Mr. OLSON.—I object to the question on the ground it is improper redirect, if the Court please.

Q. On the line.

The COURT.—I allow the question.

A. No, I didn't see that there was any other damage [2139—1307] that might have occurred.

(Testimony of John Scott.)

Q. Then you mean that there was no damage to the vessel itself possible?

Mr. OLSON.—Object to the question on the ground that it's leading; in the second place on the ground that it has been fully answered.

The COURT.—I allow the question.

A. Not that I could see.

Q. Now, you stated on cross-examination that you spent from about eight to twelve on Wednesday in manoeuvring. When did you quit work on Wednesday?

A. Well, sometime about noon I went back into Honolulu and loaded up.

Q. What time did you go into Honolulu again. Was it afternoon or before noon?

A. Probably about noon. I don't know just what time.

Mr. WEAVER.—That's all.

Mr. OLSON.—I have no further questions.

Mr. WARREN.—I have no further questions.  
[2140—1308]

Friday September 15, 1911.

Mr. WARREN.—I'd like to state at this time, your Honor, that owing to the rather irregular way in which the case of the Inter-Island began to go on, that is, some witnesses out of order, that there hasn't been any formal opening of the case of the Inter-Island Company nor offered to read the Libel or anything of that kind, and perhaps that ought to be done if your Honor would like to have it done. And I'd like also to say at this time, it has been my intention from the first opening of our case, to refer

to the libels of the Inter-Island Steam Navigation Company and Matson Navigation Company, as to the amounts claimed as salvage. The libel of the Inter-Island asks for thirty-five thousand and the libel of the Matson Navigation for fifteen thousand dollars, and in taking up this case as I have—it was originally handled by Mr. Lewis—I have the feeling, have had, that our, the claim for the Inter-Island should not be \$35,000.00, that I would like to inform the Court that it is our purpose to ask twenty-five thousand rather than thirty-five for the Inter-Island and ten thousand for the Matson Navigation Company, rather than fifteen.

Mr. OLSON.—Is that an amendment to the pleading?

Mr. WARREN.—Yes, and I can amend pleadings to conform thereto although I was simply intending to make that plain to the Court during my case.

Mr. OLSON.—If the Court please, I wish to note at this time that, notwithstanding the amendment, we shall, at the conclusion of this trial, ask the Court to [2141—1309] award costs to the respondent, to the claimant in this case in view of the exorbitant claims by all the libellants; that the amendment cannot affect that. My notice is now that I'm intending to ask the Court, in any event, whatever the award may be, for costs against all of the libelants in view of the exorbitant claims that have been filed, notwithstanding the amendment.

The COURT.—Do you desire to have it in the form of an amendment at this time.

Mr. WARREN.—I'll state that I will ask to have the amendment allowed to the libel.



[Testimony of George E. Piltz, for Libelant (Cross-examination)].

Continuance of Cross-examination of Captain  
PILTZ.

Mr. OLSON.—You testified, Captain Piltz, that you observed that the “Mauna Kea’s” line was out of the water more of the time than it was in the water while she was pulling on the “Celtic Chief.” Are you still prepared to say that the “Mauna Kea” did keep that line out of the water in that way notwithstanding the fact that it was a twelve-inch, manilla hawser that it had been in the water more or less and, therefore, had absorbed a good deal of water, and notwithstanding the further fact that the line by which the “Mauna Kea” was pulling on the “Celtic Chief” was somewhere in the neighborhood of six hundred and fifty feet in length?

A. How is the question again?

(Question read.)

A. Well, I don’t know. I can’t say now that I could prove that it was out of the water at the same time, that length of time, but I know it [2142—1310] was pretty taut all the time.

Q. I want an answer to my question, Captain Piltz, please. Will you kindly go on and answer the question now?

A. Well, it may have been in the water less time or out of the water less time; I can’t state.

Q. In other words, you don’t know whether the “Mauna Kea’s” line was out of the water more than what it, than was in the water or *vice versa*? You don’t know? A. I don’t know.

(Testimony of George E. Piltz.)

Q. Is that the fact?

A. I would still say it was out of the water more than it was in the water, but the length of time I can't stick to the first time that I gave.

Q. That's your recollection at this time, is it?

A. Yes, sir.

Q. I see. As a practical seaman a man having had to do with steamers in towing and that sort of thing, a good deal, do you think it's possible for a steamer having approximately fifteen hundred horse-power, such as you say the "Mauna Kea" had, to keep a line like that out of the water more of the time than it's in the water, using all of the power that she had? Didn't you say the "Mauna Kea" had fifteen hundred horse-power?

A. I think I did. I wouldn't want to swear. I think I did.

Q. You think it's possible for such a steamer, that amount of power pulling by means of her propeller to keep a line like that more out of the water than it would be in the water? A. Yes, sir.

Q. You think that's possible? [2143—1311]

A. Yes, sir.

Q. You know, don't you, that if a vessel, any vessel, any vessel that's afloat, that the tow-line is always in the water except when, through a big wave or swell, it's thrown out of the water for a second or two? A. Yes, sir.

Q. That's a fact, isn't it?

A. Yes, sir.

Q. Well, why? Now, explain how it was possible for the "Mauna Kea" to keep that line out of the

(Testimony of George E. Piltz.)

water more of the time than it would be in the water under the conditions prevailing about the "Celtic Chief."

A. Well, the "Celtic Chief" is stationary and the "Mauna Kea" had her anchor down at that, pretty taut, and that's my reason for saying that the line was out of the water.

Q. That's the reason?

A. Yes, because the towing vessel had an anchor down, was fast to the bottom.

Q. What was the position of the "Mauna Kea" with reference to the "Intrepid"? On which side of the "Intrepid" was she?

A. She was on the west side of the "Intrepid."

Q. On what side?

A. On the west side of the "Intrepid."

Q. On the west side of the "Intrepid," that would be on the port quarter of the "Celtic Chief"; is that correct? A. Yes, sir.

Q. Where was the "Helene" at that time—no, the "Likelike"? A. I don't know.

Q. Wasn't there another Inter-Island steamer towing at the same time that the "Mauna Kea" was towing? A. No, sir. [2144—1312]

Q. There was not?

A. Not outside of us and the "Intrepid."

Q. Don't you know, as a matter of fact, that the "Mauna Kea's" anchor was laid on her port bow in order to prevent her being carried further toward the reef by the swell and wind just in the same way that the "Mikahala's" anchor had been laid on her port bow? That's the fact, isn't it?

(Testimony of George E. Piltz.)

A. I don't know whether it is or not.

Q. You don't know? The fact of what the "Mauna Kea's" anchor, wasn't it laid on the port bow of the "Mauna Kea"? A. Yes.

Q. And, therefore, that anchor was not used as a towing agency or a pulling agency. I'll put the question in another way. Don't you know that the use that they made of that anchor was to keep the "Mauna Kea" from being carried down farther to the port of the "Celtic Chief" by the wind and wave and the swell?

A. Oh, I can't judge what they put their anchors there for, and I know the anchor was out and they had a strain on it.

Q. But it was on the port bow of the "Mauna Kea"? A. Yes.

Q. And as far as you can judge, was placed on the port bow to keep her from being carried away by swell and wind and the sea, is that so?

A. All the anchor was there—

Q. You say that you observed the anchor was laid on the port bow of the "Mauna Kea"?

A. Yes, sir.

Q. Now, then, as far as you could judge, isn't it true that that anchor was laid there in order to keep [2145—1313] the "Mauna Kea" from being carried further away, carried down by the sea and wind or by the sea alone?

A. I can't judge for the people that put the anchor there, that were there aboard the "Mauna Kea."

Q. I'm asking you, as far as you could judge, wasn't that the purpose?

(Testimony of George E. Piltz.)

A. Put there for both pulling and holding the ship in position.

Q. Do you know the size of that anchor of the "Mauna Kea"? A. No, sir.

Q. Don't you think that according to what you have already testified as to the power of the "Arcona" to keep the "Celtic Chief" in position, that it was quite as likely that one of the flukes of the "Mauna Kea's" anchor would have been broken by the strain that was placed upon it?

A. Yes, she's liable to break—yes, of course.

Q. But it didn't? A. No.

Q. Therefore, if an anchor had been used in the same way by the "Arcona," don't you think that that would have prevented the "Celtic Chief" always to come broadside on the beach?

A. Not in the position the "Arcona" placed her anchor.

Q. Where was her position that she placed her anchor?

A. In the position she had from the "Celtic Chief."

Q. Where was that position?

A. Right ahead of the "Mauna Kea," a little on the port bow.

Q. Now, then, that would not have prevented the "Celtic Chief" from going broadside on the reef?  
[2146—1314]

A. If she had pulled on her anchor why she'd have interfered with the "Mikahala."

Q. How would that prevent the "Arcona" from



(Testimony of George E. Piltz.)

keeping the "Celtic Chief" from going broadside on the reef?

A. Because she never had it tight.

Q. Now, then, if she had had her anchor-chain tight and her line tight and the "Mikahala" had not been there interfering in any way with the use of the anchor, would the "Arcona" have been able to keep the "Celtic Chief" from going broadside on the reef?

Mr. WARREN.—Now, your Honor, I object to the question as having no proper foundation in the case and immaterial.

The COURT.—I allow the question.

Mr. OLSON.—I'm willing to add to my question there, assuming that the anchor was an ordinary two thousand ton anchor.

Mr. WARREN.—Two thousand ton?

Mr. OLSON.—Two thousand pound anchor.

A. The question is with a—one line or two lines. Is that what the question means? Her lines or just her line.

Mr. OLSON.—Either way, her line or her lines.

Mr. WARREN.—You mean as she lay?

Mr. OLSON.—As the anchor lay. Can't you answer the question, Captain? It's been over two minutes since I asked you that question, Captain. I'd like to have an answer.

A. Rather difficult question to answer, with the ability shown that day, to answer it.

Q. That's not the question, Captain Piltz, what ability was shown by the officers of the "Arcona." I'm [2147—1315] asking if there is any reason why such an anchor so connected with the "Celtic

(Testimony of George E. Piltz.)

Chief" couldn't have kept the "Celtic Chief" from going broadside on the reef?

A. No, sir, I don't think it would have.

Q. You don't think it would have kept her. Now then, will you state the reason why it wouldn't?

A. Supposing the line had parted.

Q. Suppose that it hadn't, Captain, then what?

A. Then the anchor would break or the chain would carry away or the anchor had parted.

Q. In other words, you think that the line would have parted or the chain would have parted or the anchor would have parted; is that what you think why it wouldn't have kept the "Celtic Chief" from going broadside on the reef? A. Yes.

Q. That's the reason why you think it wouldn't?

A. Yes.

Q. Now, assume that the line hadn't parted, that the anchor-chain didn't part and that the anchor did not break, then would your answer be the same, that you don't think it would be effectual to keep the "Celtic Chief" from going on the reef.

Mr. WARREN.—Now, if your Honor please, I don't think that question is proper.

The COURT.—I'll allow the question.

(Question read.)

Mr. OLSON.—Broadside on the reef.

A. No, sir; I don't think it would have.

Q. What? A. No, sir.

Q. Now, why is it?

A. Hold on—wait a minute. There is not one case that the anchor doesn't drag and the line doesn't [2148—1316] part and the chain doesn't

(Testimony of George E. Piltz.)

part. Why, that would be an impossibility, because something would have to give with the amount of weight that was pulling on the two thousand pound anchor and the chain that was in use. Something has got to give. I can't answer that question without saying that it would be unable, the material used would prevent her from breaking; she's got to do something.

Q. Something is bound to break?

A. Something is bound to give with the material that was used.

Q. I asked you specifically, assume that the lines did not break and that the anchor-chain did not part and that the anchor did not break, is there any other reason why that would not be effectual in keeping the "Celtic Chief" from going broadside on the reef? I'm asking you to assume all those things, is there any other reason to prevent the "Celtic Chief" going broadside on the reef in or during the time that she was aground in the harbor? Did she go on or did she go broadside?    A. No, sir.

Q. What kept her from going broadside?

A. The assistance that was rendered.

Q. How can you explain that she was kept from going broadside on the reef if you say that something was bound to go, that it was impossible for it to hold?

Mr. WARREN.—I submit that question is unintelligible.

The COURT.—I think that question is fair.

Q. Will you answer the question, Captain Piltz?

(Testimony of George E. Piltz.)

Mr. WARREN.—Your Honor makes the same ruling?

Mr. OLSON.—I'll reframe the question in order to make it perfectly clear what I mean. Captain Piltz, [2149—1317] will you now explain how it was possible for these towing steamers that you say kept the "Celtic Chief" from going broadside on the reef, how was it possible for them to keep her from going broadside on the reef, when you say that an anchor rigged as I explained before in the former question which you answered, couldn't keep her from going broadside on the reef?

A. Because the first question, as I understood it, and I answered it something had to go with the certain amount of strain that was put on. Now, the strain that was put on by the other vessels that was pulling, the strain wasn't put on as the first question as you give it to me; the vessels were afloat and they were pulling, there was a certain amount of take and give and pull, the whole amount of strain wasn't exerted on the chain and towline. That's the way I answered that first question and that is my answer for this last question. The extreme strain wasn't exerted on the lines and cables of the other towing vessels.

Q. You think that the "Mauna Kea," the "Intrepid," and the "Mikahala," which had lines aboard the "Celtic Chief" on Monday, December 9, 1909, towing by means of their propellers, were able to place a sufficient amount of strain on their towing lines to prevent the "Celtic Chief" from going broadside on the reef; is that true? A. Yes.

(Testimony of George E. Piltz.)

Q. And you think that they, from the time they were pulling, did actually prevent the "Celtic Chief" from going broadside on the reef; is that true?

A. Yes.

Q. You think that that strain which they did place on their tow lines in that way was sufficient to have [2150—1318] parted two inch and a quarter steel hawsers in good condition, do you, if that had been placed on those hawsers?

(Question read.)

Mr. OLSON.—Make that on those steel hawsers. Withdraw the question. Do you think that the amount of strain exerted by the "Mikahala," "Mauna Kea," and "Intrepid" while they were pulling on the "Celtic Chief" on Monday, December 9, 1909, December 6, 1909, was sufficient to have broken or parted two one and one-quarter inch steel hawsers in good condition? A. No, sir.

Q. You don't think so. Well, now, then, if that is so, why do you say that a strain which was sufficient to keep the "Celtic Chief" from going broadside on the reef, such as these three steamers exerted on Monday, if placed upon these two steel lines that I have spoken of, used in connection with an anchor, would have, that something was bound to come or break? In other words, if these three steamers, exerting the power that they did, were able to keep the "Celtic Chief" from going broadside on the reef, why wouldn't two steel lines such as I have described which would not have broken under that strain, according to your testimony, why wouldn't they have been sufficient to keep the "Celtic Chief" from



(Testimony of George E. Piltz.)

going broadside on the reef if attached to a thousand pound anchor which did not drag or would not drag or break?

Mr. WARREN.—I object to the question, your Honor.

The COURT.—The question is allowed; objection overruled.

Mr. WARREN.—I'd like to add to my objection, on the [2151—1319] ground that this assumes that the witness is expected to give his opinion as to why those two cables would have held, assuming that everything is absolutely immovable.

A. I've got that question all mixed up. I can't understand it.

(Question read.)

A. Your Honor, I can't grasp that question.

The COURT.—As I understand it, Mr. Olson puts in place of the steamers, an anchor which doesn't break or drag; isn't that the idea?

Mr. OLSON.—Exactly. Well, since you can't understand that question, Captain Piltz, I'll ask you another question. Assume two steel wire lines or hawsers an inch and a quarter in diameter each, both in good condition, attached at the one end to the "Celtic Chief" and at the other to a two thousand pound anchor lying fastened in the bottom of the sea in such a way that it would not either drag or break, why would that not be sufficient to keep the "Celtic Chief" from going broadside on the reef as she was situated there if, as you say, these three towing steamers were able to prevent her from going broadside on the reef and yet the strain that they exerted

(Testimony of George E. Piltz.)

in so doing would not have broken those two steel hawsers?

A. As I understand the question, why these three steamers would not break that.

Q. Wouldn't this be able to keep the "Celtic Chief" from going broadside on the reef?

A. Well, with the three vessels afloat pulling on the "Celtic Chief," why there's a certain amount of strain that would prevent it from breaking as I already stated [2152—1320] previous, that the two wire hawsers would break attached to an anchor which would be stationary, two stationary objects having a pulling on it, why, would break, would part sooner and quicker than having one end stationary and having the other object afloat and pulling on it.

Q. That is, you mean to say that with the towing steamers afloat they would give with the swell, thus easing up on their lines preventing them from breaking; is that correct?

(Witness shakes head to indicate "Yes.")

Q. Now, then, will you explain why it is—did you observe that the "Celtic Chief" veered around at all at any time?

A. I don't know—didn't take notice.

Q. As far as you observed she did not?

(Witness shakes head to indicate "No.")

Q. You are willing to state under your oath to the Court that in your opinion it would have been impossible to have kept the "Celtic Chief" from going broadside on the reef with an appliance such as I have described, an anchor and these two lines, because they would have broken under that strain?

(Testimony of George E. Piltz.)

A. Yes, I still maintain that them two lines, the way that you gave me the question, would have never held it. They would have parted, having them stationary.

Q. Now, then, let us assume, Captain Piltz, that these two steamers had anchors out which they were using to aid in towing her. Didn't their lines break on Monday?

Mr. WARREN.—I'd like to have the question show that [2153—1321] it is the same three steamers on Monday.

Mr. OLSON.—I now put it on the record, all of the questions, until I specify that they refer to a different day, refer to Monday, December 6, 1909. Why didn't the lines of these three steamers break, if they had, as you say, or if some of them had, as you say, anchors out which they were using as towing anchors, held them stationary and did not drag her, why didn't their lines break?

A. Because there's a certain amount of sag to the chain and to the lines which would allow sufficient surging.

Q. All right. That's your reason. Well, now, then, we'll change the appliance which I have supposed a trifle. Assume that the "Arcona" was a link in the chain, two steel hawsers running from the "Celtic Chief" to the "Arcona," which is afloat, and then an anchor-chain to this two thousand pound anchor. Assume that neither the lines nor the chain nor the anchor break, and assuming that the anchor does not drag; would that not have been able to, sufficient to keep the "Celtic Chief" from going

(Testimony of George E. Piltz.)

broadside on the reef, if, as you have testified, the strain which the three towing steamers exerted on Monday would not have broken these two steel hawsers.

Mr. WARREN.—I want to enter my objection on the same ground as I did before.

Mr. OLSON.—I'll add, assume that the "Arcona" is doing nothing simply afloat, giving buoyancy to the line.

The COURT.—The objection is overruled.

Mr. OLSON.—Answer the question.

(Question read.) [2154—1322]

Mr. OLSON.—In answering that question, Captain Piltz, I call your attention to the fact that I have attempted to supply the element that you have referred to, namely, a ship afloat connecting the towing lines and the anchor-chains so that there would be this give and take due to the swells. Now, is there any reason why that appliance shouldn't have kept the "Celtic Chief" from going in shore without any breaking or parting of those lines?

A. I won't be able to answer that question at present. Don't understand it.

Q. Don't understand it?

A. The only way I understand the question, I think I have already answered it.

Q. The "Mauna Kea" had her anchor on her port bow, did she, on Monday? A. Yes, sir.

Q. And she had a strain on her anchor-chain all the time? A. Yes, leading well ahead.

Q. What? A. Leading well ahead.

(Testimony of George E. Piltz.)

Q. And the "Intrepid" had no anchor; is that correct. A. Yes.

Q. The "Mikahala" had an anchor on her port bow, didn't she? A. Yes.

Q. And those were the three steamers that were pulling on Monday, is that correct?

A. Yes, sir.

Q. There was a sufficient strain caused by the action of the wind and sea on the "Celtic Chief" to cause the parting of any of the lines of those steamers or any of the anchor-chains or to cause any of their anchors to drag? [2155—1323]

Mr. WARREN.—Your Honor, that's in the face of the witness' testimony that the "Mauna Kea" broke her line.

Mr. OLSON.—Until she broke her line.

A. Who done the jumping?

Q. I'm not asking you about any jumping. The question that I have asked you is this: Notwithstanding the fact that both the "Mauna Kea" and the "Mikahala" had anchors out and had strain on their anchor-chains on Monday, still through steady pulling, none of the lines to the three towing steamers towing on that ship broke, nor their anchor-chains. That's a fact, isn't it? Can't you answer, so the Reporter can understand you? You merely nod.

A. Yes, sir.

Q. Now, then, how do you account for the fact that those lines and anchor-chains, none of them broke on Monday, if there was a sufficient force exerted upon the "Celtic Chief" by the sea and wind to have broken the appliance to which I have heretofore referred, namely, an anchor connected with the



(Testimony of George E. Piltz.)

"Celtic Chief" by these two steel hawsers.

Mr. WARREN.—Now, your Honor, I object to that question as not based on the testimony at all.

Q. How do you account for the fact that they did not break?

A. I don't understand the question. I can't answer it.

The COURT.—Captain Piltz, let me ask you: As I understand, you have testified that if an anchor were put out which didn't drag or break the line would break, is that right? Now, then, why wouldn't the line break when these three boats were pulling? Why didn't they break? [2156—1324]

Mr. OLSON.—Especially when they had anchors out on which they had a strain, as he has testified. That's a part of my question.

A. Well, because they were afloat.

Q. Now, then, I supplemented my former question with reference to the anchor and these two steel hawsers by assuming that the "Arcona" connected the anchor-chain with the two steel hawsers and the "Arcona" being afloat so that supplied that element to which you referred. Now, why would the lines break in that case if the lines connecting the "Mauna Kea" and the "Mikahala" which were also anchored and maintaining strain on their anchor-chains did not break?

Mr. WARREN.—I object to the question because the witness has not testified that the lines broke.

Q. You say that the reason why the lines to the "Mauna Kea" and the "Mikahala" did not break on Monday was because the "Mikahala" and the

(Testimony of George E. Piltz.)

“Mauna Kea” were afloat; that’s the reason, isn’t it? A. Yes.

Q. The pulling steamers were afloat. That is true, even though they were maintaining strain on their anchor-chains; is that correct? Both steamers were maintaining strain on their anchor-chains, weren’t they, on Monday, the “Mauna Kea” and the “Mikahala”? You’ve testified to that, haven’t you?

A. I don’t remember.

Q. Well, isn’t it the fact that they were maintaining strains on their anchor-chains?

A. Yes, they had strain. I don’t know whether they were pulling on them or not, but they had strain on them.

Q. Now, then, suppose that the “Arcona” has these two steel [2157—1325] hawsers which I have already described, running to the “Celtic Chief” and an anchor-chain running out to this two thousand pound anchor, which we will assume does neither break nor drag, the “Arcona” being afloat, wouldn’t that have served equally well to have kept the “Celtic Chief” from going broadside on the reef, without the breaking of any of the appliance?

A. I previously said that the wire hawsers would break.

Q. I’m asking you if they would break now.

A. Is that the question?

Q. Yes, that’s the question.

A. Would they break.

Q. Yes, under those conditions, always assuming that this was out there at the “Celtic Chief” on Monday, December 6, 1909, under the conditions there

(Testimony of George E. Piltz.)

prevailing as to wind and sea and situation of the "Celtic Chief"?

A I think they would have broken.

Q. Break them just the same even though the "Arcona" was afloat? Now, what's the difference between that situation and the situation which actually existed on Monday with reference to the "Mauna Kea" and the "Mikahala," both of which steamers had anchors out maintaining a strain on their anchor-chains and whose lines did not break in their steady pulling?

A. My answer to that question is because there is—because the "Arcona" is a much larger vessel than any of the others and it would be her weight on the lines that would part in surging with the strain.

Q. Oh, it was her weight that would break the lines?

A. Her weight with the pulling and surging that would [2158—1326] be caused by the swell.

Q. In other words, that would be a greater force exerted upon the "Celtic Chief" than the force exerted upon the "Mauna Kea," "Intrepid," and "Mikahala" on Monday; is that correct?

A. Her weight with a jump.

Q. I'm not asking you about jumping. I've never said a word about jumping.

The COURT.—Let's hear what he says.

A. As I understand the question with the power that was exerted?

Q. Yes.

A. The "Arcona's" weight in jumping would be more than the weight of the "Mauna Kea" and the

(Testimony of George E. Piltz.)

other vessels that were pulling.

Q. Would the surging caused by the swell there cause the "Arcona" to jump?

A. It would cause sufficient rise and fall or head and back motion sufficient to break the two wires that you have reference to.

Q. You think so? A. Yes, sir.

Q. And that's the reason why you think it would break? A. Yes, sir.

Recess.

Q. Does the swell affect a large heavy steamer as much as it does a smaller one, lighter one?

A. The large vessel don't move as much as a smaller vessel.

Q. It does not move? A. No.

Q. I see. As a matter of fact, a vessel as large as the "Arcona" would not move nearly as much as a vessel like the "Mikahala," would it, in a swell?

A. She would not bounce and rock about as much.  
[2159—1327]

Q. Not nearly as much, would she?

A. Well, I don't know. Not nearly.

Q. Are you willing to say that she would bounce almost as much? Are you willing to say that she would surge and bounce almost as much as the "Mikahala"? A. No.

Q. She would not? A. No.

Q. As a matter of fact, there would be a good deal of difference, wouldn't there?

A. Yes, sir, there would be some difference.

Q. That doesn't answer my question, Captain.

(Testimony of George E. Piltz.)

There would be a good deal of difference, wouldn't there?

A. There would be some difference, I can't tell how much.

Q. There would be some difference?

A. Some difference.

Q. Do you know what the tonnage of the "Mikahala" is?     A. Four hundred and forty-four.

Q. Four hundred and forty-four. Now, judging from your observation, you would say that the "Arcona's" tonnage was somewhere in the neighborhood of three thousand tons?     A. I don't know, sir.

Q. Can't you judge from appearances, somewhat?

A. Not a cruiser.

Q. Well, she was a good many times larger than the "Mikahala," wasn't she?     A. Yes, sir.

Q. Five or six times as large, at least.

A. About that.

Q. Now, then, would there be only some difference, a slight difference, between the surging and bouncing [2160—1328] of those two vessels in that swell that existed there on Monday?

A. There would be some difference. I don't know how much difference.

Q. I'm not asking you to state how much difference. I'm asking you if there wouldn't be a great deal of difference between the two, in view of the fact that the "Arcona" is five or six times as large as the "Mikahala," according to your judgment?

A. Yes, I think she would.

Q. You think there would be a great deal of difference.



(Testimony of George E. Piltz.)

A. There wouldn't be as much difference between the "Arcona" and the "Mikahala" as there would be between the "Arcona" and a small surf boat.

Q. Can you not answer the simple question? Wouldn't there be a great deal of difference in the bouncing and surging due to the swell as it existed on Monday, December 6, 1909, between the two vessels, the "Arcona" and the "Mikahala" in view of the fact that the "Arcona" is five or six times as large as the "Mikahala"? A. Yes, there would be.

Q. That's what I wanted to know. Now, Captain, the "Mikahala" had only one line on the "Celtic Chief" on Monday, didn't she? A. Yes, sir.

Q. And that was an eight-inch, manilla hawser, wasn't it? A. Yes.

Q. Do you know the comparative strength of an eight-inch manilla hawser with two steel hawsers each an inch and a quarter in diameter, both of them in good condition? A. No, sir.

Q. You do not. You have no idea what the comparative strength of a manilla hawser on one side and a steel [2161—1329] hawser on the other is or would be? A. I have never tested that.

Q. And you don't know? A. Not from practise.

Q. What's that? A. Not from practise.

Q. Then you don't know, do you?

A. Well, I—

Q. Then you don't know?

Mr. WARREN.—Let the witness answer.

A. I have an opinion the same as a good many would give in answering a question of that kind.

Q. Very well then, Captain, if you don't know from

(Testimony of George E. Piltz.)

practise and you don't know from books or authorities, then you don't know, do you?

A. As I once stated, I don't know, but I don't know from practise.

Q. When you say you don't know from practise you might know from some other source. Now, you say you don't know at all? A. I don't know.

Q. I'm asking you if you know at all.

A. I do not remember the tensile strength.

Q. What is the comparative strength of an eight-inch manilla hawser as compared with two inch and a quarter steel wire hawsers?

A. A wire steel hawser is stronger than the manilla rope.

Q. But you don't know what the comparative strength is neither in theory or in practise?

A. In both.

Q. Do you mean that you know from some other source?

A. Just from knowing that the manufacturers give for strength of rope.

Q. Can you state what that comparative strength is? [2162—1330] A. Not at the present.

Q. Because you don't know, you'd have to refer to the tables to find out? A. Yes.

Q. Now, then, Captain Piltz, how do you account for the fact that the "Mikahala" which would surge a good deal more than the "Arcona" in the swell that was running a good deal on Monday, didn't break her eight-inch manilla hawser, if the "Arcona," as you say, would have broken hers?

A. I suppose you know that there is more stretch

(Testimony of George E. Piltz.)

and give to a manilla hawser than there is to a steel wire hawsers and that is why the "Mikahala" did not part her hawser, because it is made of manilla rope.

Q. And that is the reason she didn't break her line?

A. Yes.

Q. And yet you don't know the breaking strain of a manilla hawser? A. No, sir.

Q. And you don't know the breaking strain of a steel hawser? A. Unless I refer to tables.

Q. And you don't know how much strong two one and a quarter inch steel wires are than one eight-inch manilla rope? A. No, sir, I do not.

Q. And yet you are willing to say that the "Mikahala" didn't break her line because it was a manilla hawser and that the "Arcona" would have broken those two steel hawsers if she had been attached in the same way by reason of the surging due to the swell; is that right? Can't you answer the question?

A. May I hear the question.

(Question read.)

Q. Can't you answer the question, or don't you understand [2163—1331] it?

A. I don't understand it.

Q. I withdraw the last question and I'll state it in this way: You are willing to say that the "Arcona" would have broken those two steel hawsers that I have described if she had been attached alone to the "Celtic Chief" on Monday with an anchor out forward due to the surging from the swell even though you don't know what the tensile strength of those hawsers would be.

A. I don't understand the question, that's all. I

(Testimony of George E. Piltz.)

don't understand the question and that's what takes me so long to answer.

Q. You don't know the tensile strength of two steel hawsers of the kind that I have described?

A. No.

Mr. WARREN.—Object to the question; it has been asked and answered.

Q. And even though you don't know the tensile strength of hawsers of that character, yet you are willing to say on your oath that the "Arcona" would have broken two such hawsers if she had been attached to the "Celtic Chief" on Monday without any other tugs towing on the "Celtic Chief" if she had had an anchor forward which would have held and which would not have broken?

Mr. WARREN.—Same objection; that question has been asked and answered.

The COURT.—Objection overruled.

A. I don't understand the question and I am unable to answer it.

Q. Do you know what I mean when I say assuming that the "Celtic Chief" had these two steel hawsers that I have described attached to the "Celtic Chief"?

A. Yes. [2164—1332]

Q. Do you know what I mean when I say assume that the "Celtic Chief" has an anchor out forward?

A. Yes.

Q. Do you know what I mean when I say that that anchor, that the anchor does not drag or is not broken?

A. Yes.

Q. Do you understand what I mean when I say that the chain does not break?     A. Yes.

(Testimony of George E. Piltz.)

Q. Do you understand what I mean when I ask if you know the conditions that prevailed in the matter of sea and wind on Monday, the 6th day of December, 1909? Do you understand that question?

A. Yes.

Q. And you do know the conditions that prevailed in that respect? A. Yes.

Q. Now, then, having understood all of that, all the elements of the question that I have asked you, do you still mean to say that the "Arcona," if she had been thus attached to the "Celtic Chief," would have broken those two steel hawsers due to the surging of the "Arcona" from the swell and the action of the sea upon the "Celtic Chief" if there had been no other assistance to the "Celtic Chief"?

Mr. WARREN.—Now, your Honor, he specifically answered that question.

Mr. OLSON.—I'll add to the question then though you don't know what the tensile strength of those two wires would be, of those two hawsers, are you willing to say under your oath, that she would have broken those two wire lines attached in that way, even though you don't know what the tensile strength of those lines would be? [2165—1333]

A. With the manoeuvring and the actions the "Arcona" showed that day, I still maintain that she would break it.

Q. Which wasn't the question that I asked you and I now ask the Court to instruct the witness to answer my question.

The COURT.—You will answer the question, Captain.



(Testimony of George E. Piltz.)

A. No, I don't think she would have broken them.

Q. You do not think so?      A. No.

Q. Then she would have held the "Celtic Chief" in position so that she would not have gone broadside on the reef?

Mr. WARREN.—Object to the question; "would" is not the proper supposition.

The COURT.—Objection sustained.

Mr. OLSON.—Could she—no, if the Court please, I submit that my question was proper in the first place, Then if she, if her lines would not thus be parted, this appliance would have kept the "Celtic Chief" in position so that she would not have gone broadside on the reef?

Mr. WARREN.—The same objection, your Honor.

Mr. OLSON.—Well, withdraw the question. Now then, if, as you say, the "Arcona's" steel lines would not thus be parted, and if the "Arcona" did hold and did not break and the anchor line did not break, then the "Arcona" could in that manner have kept the "Celtic Chief" from going broadside on the reef; isn't that the fact?

A. Yes, she could have kept her in position.

Q. So that the fact of the matter is, isn't it, Captain, that the "Arcona" could, in the manner that I have described, without any other aid from the [2166—1334] other vessels, have kept the "Celtic Chief" from going broadside on the reef?

Mr. WARREN.—Object to the question as asked and answered.

The COURT.—I overrule the objection.

Mr. OLSON.—Answer the question. You under-

(Testimony of George E. Piltz.)

stand that, understand, don't you, Captain, do you or don't you? Do you understand the question?

A. I was thinking to see if I did understand it. May I hear the question again?

(Question read.)

Mr. WARREN.—That question is not objected to on the assumption that counsel's statement holds good that he is still confining it to Monday.

Mr. OLSON.—Of course I am confining it to Monday.

A. Yes, sir.

Q. She could have done so? A. I think so.

Q. And you don't think that there would have been so much surging from the swell and the sea that it would have broken those steel hawsers; is that right, now?

A. I can't answer that question, I don't think.

Q. As a matter of fact, you don't know whether those steel hawsers would have been broken in that way, do you?

A. I know they would be broken with surging and jumping.

Q. I wish, Captain, that you'd answer my questions in each case. We'd get along more rapidly. I've asked you whether or not you know that those cables would have been broken through surging of the "Arcona" due to the swell that existed there on Monday if she had been attached in that manner. I'm not asking about the surging of any other vessel or under different conditions. [2167—1335] You don't know, do you, in view of the fact that you don't know the tensile strength of those wires? You

(Testimony of George E. Piltz.)

can't possibly know, can you?

A. No, sir, I do not know because she wasn't attached Monday.

Q. And when you said that the surging of the "Arcona," due to the swell would have broken those two steel wires, you were saying what you didn't know to be the fact?

A. If she had been there and from what I saw she done the day she got out there, she would have broken those wire hawsers if she had taken a jump, it don't matter about the surging. From what I saw the day she got there she would have broken three of them.

Q. If she had gone through the same manoeuvres?

A. That's what I've been maintaining.

Q. So that's the reason you have answered the question each time?

A. That she would break the wire hawsers by what I saw, the manoeuvres she went through that day. It don't matter what I saw on Monday, she would have broken three of them hawsers.

Q. If she hadn't gone through these manoeuvres there was no reason at all why she couldn't have kept the "Celtic Chief" from going broadside on the reef on Monday? A. She could have held her.

Q. The wires would have held. She would have held and could have held the "Celtic Chief" in position? A. I think so.

Q. Now, Captain Piltz, you observed the ocean bottom around the "Celtic Chief," didn't you?

[2168—1336] A. Yes, sir.

Q. And it was coral?

(Testimony of George E. Piltz.)

A. I approximate it was from what the color of the water showed.

Q. What did that indicate to you, that it was a fairly soft coral bottom there? A. Beg pardon?

Q. Did it indicate to you that it was a fairly soft coral bottom or a very hard coral bottom?

A. Well, the way she pounded the day I was aboard I'd say it was a hard coral bottom.

Q. That again wasn't the question I asked. I asked what it indicated to you. From the nature of what you saw there being brought up there.

A. Beg pardon?

Q. Just describe what the water was like.

A. Milky, cloudy.

Q. That indicates a hard bottom?

A. Why, coral bottom.

Q. That indicates a hard coral bottom?

A. It did to me.

Q. Does that always indicate a hard, coral bottom?

A. Yes.

Q. Wouldn't it, as a matter of fact, if it were a fairly soft coral bottom, wouldn't it be the same?

A. I know hard coral if I get ahold of it and I know soft coral if I get ahold of it.

Q. Did you get ahold of any of this?

A. No, I didn't.

Q. Why do you say that the churning up of the "Celtic Chief" indicated that there was a hard bottom?

A. Well, a hard bottom there is more sandiness in the water than would be a soft coral. [2169—1337]

Q. That don't exactly mean that there would be boulders.

(Testimony of George E. Piltz.)

A. From what I saw of the water it was a sandy substance.

Q. It was a sand bottom?

A. More of sand than coral soft bottom.

Q. So that would indicate to you, would it not, that there was more or less sand at the bottom?

A. I think it would.

Q. And, as far as you know, it might have been a sandy bed that she was grounded on?

A. As I said, when I was aboard I thought it was of hard coral.

Q. Don't you know that if a vessel with her bow harder on the reef than her stern that you would feel her pound more?

A. Yes, but she wouldn't rise the way she did.

Q. She ground too, did she? A. Yes.

Q. About how much chain do you think that the "Helene" had out to her anchor as she lay there towing on the "Celtic Chief"? A. I couldn't say.

Q. You have no idea? A. No, sir.

Q. As a matter of fact, you didn't see how much anchor she paid out?

A. Why, when she got in position she dropped her anchors quite a ways out.

Q. But you are not able to say how much?

A. No, not definitely.

Q. Well, have you any idea?

A. I would say from sixty to a hundred fathoms on each cable. In that neighborhood, maybe more.

Q. Each cable? A. Yes. [2170—1338]

Q. What cable are you talking about now?

A. Each cable chain.



(Testimony of George E. Piltz.)

Q. How many anchors did she have out?

A. Two.

Q. She had both anchors out? A. Yes, sir.

Q. Each was out sixty or a hundred—

A. It was over sixty on both of them.

Q. And not over a hundred?

A. I wouldn't swear to that. I wouldn't swear.

Q. Why did you say sixty then or a hundred, between sixty and a hundred?

A. As I said, when she came in position, I mean when she dropped her anchors, we allowed that she had all of sixty fathoms out.

Q. All of sixty fathoms. And how many feet—that would be three hundred and sixty feet?

A. Yes.

Q. A little over three hundred yards. A little over three hundred yards, wasn't it, of chain that she had out, according to your observation?

Q. Well, don't you remember?

A. I want to figure it out. You talk too rapidly and I'm not accustomed to it. Sixty fathoms, three hundred and sixty feet and I can't make three hundred feet out of that.

Q. You can't make three hundred feet out of that?

A. Three hundred yards.

Q. A hundred yards?

A. A hundred and twenty yards.

Q. And you think that she had out about a hundred and twenty yards of chain? [2171—1339]

A. All of that.

Q. And she might have had out two hundred yards of chain, might she?

(Testimony of George E. Piltz.)

A. She might have that out.

Q. Well, is that according to your observation?

A. She may have had two hundred yards out for all I know.

Q. For all you know.      A. For all I know.

Q. As a matter of fact, you don't know, do you?

A. I stated to the best of my observation it was sixty fathoms of chain she had out and probable more.

Q. Now, I want to find out what, in your best judgment, was the amount of chain that she had out. I'm not asking you to say between sixty and a hundred fathoms, because the one is nearly half of the other. Was it nearer to sixty or nearer to a hundred?      A. Nearer to a hundred.

Q. Somewhere between eighty and a hundred fathoms, you think, that she had out? Now, you testified last, the last time that you were here, Captain Piltz, that on Tuesday and Wednesday the swell would be somewhere in the neighborhood of over three or four feet; is that right?

Mr. WARREN.—I object to that question unless he confines it to the mean or extreme.

Mr. OLSON.—I'll withdraw the question. When you said that the swell on Wednesday was from three to six feet, what did you mean?

A. What's this, on Wednesday?

Q. Yes.

Mr. WARREN.—I think that's open to the same objection.

The COURT.—Objection overruled. [2172—1340]

(Testimony of George E. Piltz.)

Q. Answer the question, Captain.

A. Now, before I can answer that I want to know what the—what heights they were the day before; I kind of forgot.

Q. Well, don't you know what the swell was on Wednesday?

A. I did know when I had my mind on that, yes. It was two years ago, and now it's a week since I testified.

Q. Your mind is just as clear now on what took place out upon the "Celtic Chief" as it was a week ago; isn't it? A. Yes.

Q. You haven't forgotten any more in the meantime? A. No.

Q. Well, now, what was the height of the swell on Wednesday, the 8th of December, 1909, about the "Celtic Chief"?

(Witness consults memorandum.)

A. Three to six feet, mean height.

Q. Now, you said that the extremes on Monday night were from eight to twelve feet; didn't you give the mean height before, the extremes from the highest to the lowest from eight to twelve feet? You said that the swell was two or three feet less on Tuesday, didn't you? A. Yes.

Q. And you said it was several feet less on Wednesday than on Tuesday, didn't you? A. Yes.

Q. Very well. Then, if it was twelve feet on Monday, it would be nine or ten feet on Tuesday, wouldn't it? A. Yes.

Q. And six or seven feet on Wednesday, wouldn't it? A. Yes. [2173—1341]

(Testimony of George E. Piltz.)

Q. That's correct, isn't it?      A. Yes.

Q. And the mean would be at the highest three or three and a half feet on Wednesday, wouldn't it?

A. True. About that.

Q. That's what you think it was on Wednesday?

A. Yes.

Q. And you think it would be from four to five feet on Tuesday at the highest, the mean?

A. The mean; yes.

Q. And, as a matter of fact, it might have been a foot or two less on both days?

A. It might have been, I don't doubt that at all, because, as I said, I didn't measure it.

Q. Yes, exactly. So that, as a matter of fact, it may have been quite true as far as your observation went, that the mean height of the swell on Tuesday was from three to four feet and on Wednesday two to three feet.

Mr. WARREN.—Now, your Honor, I think there are about fifteen or sixteen pages of examination on this question of swell.

The COURT.—It is repetition; there's no use in having it in.

Q. Now, would there be any difficulty, under ordinary circumstances, in keeping a barge or keeping a shore boat alongside of a vessel aground in a three-foot mean swell?

Mr. WARREN.—Same objection, your Honor; it has been gone into. [2174—1342]

Mr. OLSON.—If your Honor will take judicial notice of the fact that a shore boat couldn't be in very great danger riding in a three-foot swell; I'll not press it.

(Testimony of George E. Piltz.)

The COURT.—That's not my point. The Court will take judicial notice that there would be less danger in a swell that was three feet than a larger swell. Answer the question.

A. What's the question?

(Question read.)

Q. Would there be any serious difficulty or danger either to the boat or to the men in the boat alongside of a ship where there's a three foot mean swell running?

Mr. WARREN.—Object to the question unless its made definite.

Mr. OLSON.—Ship aground.

A. Yes, sir, I think there would be a little difficulty.

Q. There would be a little difficulty? A. Yes.

Q. But not very much. Mind you, I'm referring to a three-foot swell?

A. Well, there would be considerable difficulty.

Q. What would be the difficulty?

A. Couldn't hold an oar in the water to hold the boat in position.

Q. That is, she would surge back and forward?

A. Back and forward.

Q. But they very often do that in the ordinary Inter-Island traffic and business of these Inter-Island boats.

A. Not shallow water. That is, not very shallow water.

Q. You often have as much as a three or four foot mean swell alongside of steamers discharging freight [2175—1343] or passengers?



(Testimony of George E. Piltz.)

A. Yes, the vessel would be afloat. There wouldn't be as much difficulty with a boat alongside of a vessel like these Inter-Island vessels as there would be in holding a boat alongside the "Celtic Chief" aground.

Q. Do you think that the "Mauna Kea" riding, lying anchored with a three or four foot mean swell running alongside of her, do you think there would be any difference in the difficulty in discharging cargo in a shore boat alongside of her from what there would be in discharging cargo from a boat that was aground? Do you mean that the "Mauna Kea" would swing up and down so much and give with that kind of a swell that it would make it easier for the other boats, with only a three or four foot swell running? A. Yes, it would.

Q. Isn't it a fact that the three or four foot swell would not cause any particular action of the "Mauna Kea" at all?

Mr. WEAVER.—You mean mean swell.

Mr. OLSON.—Three or four feet mean swell.

A. There wouldn't be as much difficulty as there would be—

Q. That wasn't the question I asked you. The question I asked you is, isn't it a fact that a three or four foot mean swell running alongside the "Mauna Kea" at anchor— A. In deep water?

Q. I don't care. Isn't it a fact that that kind of a swell would cause the "Mauna Kea" to surge back and forward but very little, isn't it the fact that she would lie almost quiet in that kind of a swell? [2176—1344]

(Testimony of George E. Piltz.)

A. She would lie almost quiet, but the boats would not.

Q. So that, as a matter of fact, it wouldn't make much difference whether she were lying in that kind of swell in deep water or whether she were ashore, if the swell was no higher in one case or another.

A. It would be harder on the boats if she was ashore.

Q. Please explain why it would make any difference.

A. Because one is stationary and the other changes around.

Q. Didn't you say a moment ago that the "Mauna Kea" would lie practically quiet in that kind of a swell?

A. There would always be a certain amount of give, no matter how quiet.

Q. It would be very slight?

A. Yes. I'll tell you why she'd be quiet. When she'd be afloat she'd be in deeper water, and when she'd be aground she'd be in shallow water and there'd be some force to the water if she was out in deeper water. That's why there'd be more difficulty.

Q. You think that a three or four foot swell would be of greater power alongside of a vessel ashore than alongside a vessel that was riding at anchor in deep water? A. Yes, I do.

Q. Do you think that that kind of a swell alongside the "Celtic Chief" that the men would be in great danger? A. Yes.

Q. Great danger?

A. Yes, more so than they would be in working our

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(Testimony of George E. Piltz.)

Inter-Island boats.

Q. I'm asking you if they would be in great danger in a shore boat riding in that kind of a swell, three or four foot mean swell?

A. I don't know what you mean by great danger, but [2177—1345] there's always the danger of being hurt.

Q. There is always danger of being hurt in the Inter-Island traffic?

A. Yes, but not as much as there were out to the—at the "Celtic Chief."

Q. When did you first take range lights while you were aboard the "Celtic Chief"?

A. The night that she come off, about after I got aboard.

Q. That's the first time that you took any?

A. No, sir.

Q. What?

A. No, sir, I took bearings during the day. I forgot what day it was.

Q. What day?

A. I think it must have been Monday or Tuesday—Monday, I think, in the afternoon.

Q. You took bearings on Monday afternoon?

A. Yes.

Q. And was there any change in the position of the "Celtic Chief" from that time forward.

A. During Tuesday I don't know, sir.

Q. You didn't take any observations that day?

A. Not on the "Celtic Chief." I took observations from the "Mikahala."

Q. You don't know, as a matter of fact, whether

(Testimony of George E. Piltz.)

or not the "Celtic Chief" went farther aground on Monday and Tuesday?

A. Well, I only testified because I did not notice the bearings did not change from the "Mikahala."

Q. Now, when was it that you first observed that the "Celtic Chief" began to move seaward Wednesday night? Can't you remember without referring to your memoranda?

A. No, sir. It was after I got aboard. [2178—1346]

Q. The "Mikahala"? A. The "Mikahala."

Q. Then you noticed that the "Celtic Chief" began to come forward after you came aboard the "Mikahala"?

A. Yes, sir, I took another bearing, range lights and I don't exactly remember when they changed, when the ranges opened seaward.

Q. But prior to that time she had not moved as far as you know? That's so, is it? A. Yes, sir.

Q. I see. Now, when did you observe—how many times did you observe that she moved seaward after you came aboard the "Mikahala"?

A. When I observed she come, she come pretty rapidly.

Q. Before that time you hadn't noticed that she had come off at all? A. No.

Q. Why did you say then, last week when you were on the stand, that she moved off six or ten feet seaward and that you could see that from the bearings that you had taken aboard before the last time that she came? Did you mean that?

A. I told you when I first got aboard why, I took

(Testimony of George E. Piltz.)

the bearings and in the meantime I was able to instruct the men about the lights and so forth, and when I got up on the upper deck, why the ranges had changed.

Q. When was that?

A. The same night. I forget now how long it was after I got aboard, but when I first got aboard.

Q. You first was aboard on Wednesday?

A. Wednesday morning.

Q. Was it during Wednesday morning that you noticed that? A. On Tuesday night.

Q. You noticed that she came on Tuesday night?  
[2179—1347]

A. When I left the "Celtic Chief" about a little after eleven.

Q. Oh, after you left the "Celtic Chief"?

A. Yes.

Q. Then when you got aboard the "Mikahala"?

A. That is what I have reference to, is aboard the "Mikahala."

Q. I see. On Wednesday night?

A. Wednesday night; yes.

Q. That was the last after you had left the "Celtic Chief" the last time? A. Yes, sir.

Q. And then you observed what?

A. Why, I took the ranges and my bearings and I was instructed to attend to the lines. We stationed men ready in case of necessity and instructed them to be strict, heeding to all orders that were given from the captain, and after I had the men stationed I went up on the upper deck to carry out whatever instructions came from the master of the vessel



(Testimony of George E. Piltz.)

when I first got into my position after I noticed that the ranges had changed. That's why I said the other day that I judge she had moved out eight or ten feet.

Q. Why did you go aboard the "Mikahala"?

A. Beg pardon?

Q. Why did you leave the "Celtic Chief" to go aboard the "Mikahala" about half-past eleven?

A. I was instructed by the superintendent of the Inter-Island Company.

Q. Who is the superintendent?

A. Captain Haglund.

Q. When did you first notice that both of the red lights were up in the rigging of the "Celtic Chief"?  
[2180—1348]

A. About couple of hours before she came off; probably three hours.

Q. About three hours before?

A. About two and a half, I daresay; split the difference; I'm not sure now.

Q. Somewhere about ten o'clock?

A. About that.

Q. And those two red lights had been there all that time, that is, ten o'clock on until the "Celtic Chief" came off? And when some of the witness here testified that the second red light was not put up until the "Celtic Chief" began to move off the reef the last time, *there* were not telling of the actual fact? A. May I hear that question?

Q. I say, if some of the witnesses who have testified— A. Who have testified?

Q. Yes, who have testified, testify that the sec-

(Testimony of George E. Piltz.)

ond red light was not put up until the "Celtic Chief," her last move off the reef, then they are not *tell* what is actually the fact? A. No, sir.

Q. That is not correct?

A. Not correct; them lights were up there long before she come off.

Q. Now, what, just what did you do when you got aboard the "Celtic Chief"—I mean the "Mikahala"—Wednesday night?

(Witness consults memorandum.)

A. I attended to the hoisting of the boats and stationed men at the lines with axes and saw that everything—

Q. I don't want you to testify from your memorandum.

A. That's exactly what I'm telling this here was made immediately after this happened.

Q. I don't want you to read from that.

A. Upon boarding my ship I attended to the hoisting of [2181—1349] boats and seeing that everything was in readiness and stationing men with axes and gave them strict instructions to be ready and handy for all orders from the captain.

Q. Now, were you busy from that time on?

A. Yes, sir.

Q. Until the "Celtic Chief" came off?

A. Oh, well, practically busy.

Q. What were you doing?

A. Oh, stationing the men about and seeing that everything was ready, at the same time being on the alert for orders from the captain.

Q. Where were you stationed most of the time?

(Testimony of George E. Piltz.)

A. Well, I was up and down.

Q. You were about the deck there, all over, were you?

A. I was down where the lines were made fast then I would be up on the upper deck. When she came off I was on the upper deck.

Q. Do you know how much anchor-chain the "Arcona" had out? A. No, sir.

Q. You have no idea? Might have been a hundred fathoms or it might have been ten fathoms.

A. I think she had more than ten fathoms.

Q. Did she have as much as a hundred fathoms?

A. I say I don't know.

Q. You have no idea? A. No idea.

Q. Didn't you observe where her anchor was dropped? A. Yes.

Q. And you know where the "Arcona" was placed; then can't you judge how much anchor-chain she had?

A. You want me to guess at it? I think I can.

Q. Well, what's your best judgment? [2182—1350]

A. Oh, about forty-five fathoms; something like that.

Q. Forty-five fathoms of chain?

A. Thirty or forty fathoms.

Q. Now, the "Arcona" as she lay was not abreast of the "Mikahala," was she? A. No, sir.

Q. Her stern was about abreast of the bow of the "Mikahala"; is that correct?

A. "Mikahala's" bow.

Q. Do you remember approximately the length of

(Testimony of George E. Piltz.)

the "Arcona"? A. No, sir.

Q. Well, can't you give some estimate?

A. I think she was all of two hundred feet to my judgment.

Q. She would be more than two hundred feet, wouldn't she? A. Probably more.

Q. She was quite as long as the "Celtic Chief," wasn't she?

A. No, I don't think she was as long as the "Celtic Chief."

Q. Well, if she was two hundred feet long and she had somewhere in the neighborhood of forty-five, thirty or forty-five fathoms of chain attached to her anchor, that would bring her anchor a distance of four or five hundred feet, wouldn't it, out ahead of the bow of the "Mikahala"? Isn't that true?

A. I don't know. (Witness figures on paper.) About that.

Q. Did you say on direct testimony that she dropped her anchor about two hundred feet ahead of the "Mikahala"?

Mr. WARREN.—Now, your Honor, I object to this question. Counsel is assuming that the "Arcona" was two hundred feet long.

The COURT.—Objection overruled. [2183—1351]

Q. Answer the question.

A. I kind of forget now if I did testify.

Q. If you did so testify you were wrong; is that right?

Mr. WARREN.—Your Honor, I want to protest against this kind of examination. Let me call your

(Testimony of George E. Piltz.)

Honor's attention to this question.

The COURT.—Objection is overruled.

Q. Answer the question, Captain Piltz.

Mr. WARREN.—I'd like to have my objection entered on the record. I protest against the Court's ruling without hearing my argument.

A. May I hear the question?

(Question read.)

A. Didn't I say two hundred feet or more?

Q. Well, I'm asking you to say.

A. Well, if I said two hundred feet why, I think that's correct.

Q. You think that's correct? Now, how do you account for the fact, then, that the anchor was only laid two hundred feet ahead of the bow of the "Mikahala" and yet the "Arcona's" length was ahead of the "Mikahala" and the anchor was laid out anywhere from thirty to forty-five fathoms ahead of the "Arcona"? Now, how do you make those two statements consistent?

A. Well, she dropped her anchor, as I said, about two hundred feet ahead of the "Mikahala," probably a little on her port bow here and out thirty or forty-five fathoms and while she was ahead her stern was over lapping, but you're not allowing for the distance of the "Mikahala" and the "Celtic Chief" in the interval from the "Celtic Chief," that's why that two hundred feet ahead of the "Mikahala" would make the four hundred feet. [2184—1352]

Q. You said just a few moments ago, Captain, that the anchor of the "Arcona" was a little on her port bow, did you? Is that correct?



(Testimony of George E. Piltz.)

Mr. WARREN.—I think, your Honor, counsel should stop misstating evidence.

A. The "Mikahala's" port bow.

Q. The "Arcona" dropped her anchor on the port bow of the "Mikahala"?

A. Ahead of the "Mikahala." Between, a little on the port bow of the "Mikahala." I'm not sure exactly if it was right ahead or a little off the port bow or away on the port bow. I know it was a little ahead, a little on the port bow.

Q. Then, as a matter of fact, Captain Piltz, the anchor of the "Arcona" was practically in a straight line with the "Mikahala," about two hundred feet, a little to the port bow of the "Mikahala"?

A. Yes, sir.

Q. That's correct, is it? Now, about how near to the bow of the "Mikahala" was the stern of the "Arcona"?

A. Oh, about one hundred and fifty feet.

Q. One hundred and fifty feet? Which direction?

A. To the west of the "Mikahala."

Q. That's to the starboard of the "Mikahala"?

A. Yes.

Q. Now, what was the direction of the "Arcona"? Pointing seaward from the "Celtic Chief"?

A. Yes.

Q. It was. And the stern of the "Arcona" was about the same distance out from the "Celtic Chief" that the bow of the "Mikahala" was out from the "Celtic Chief"? A. Yes, sir.

Q. So that the anchor of the "Arcona" then was lying practically at right angles to the bow of the

(Testimony of George E. Piltz.)

“Arcona”? Now, is that right? [2185—1353]

The COURT.—Let’s hear that question again, Mr. Reporter.

(Question read.)

Q. Answer the question, Captain.

A. About at right angles.

Q. Just about at right angles?

A. Maybe a little ahead.

Q. How do you account for the fact that the “Arcona” was lying in a position directly seaward from the “Arcona,” from the “Celtic Chief,” in a straight line? The “Arcona” was lying practically in a straight line seaward from the “Celtic Chief,” was she not?

A. A little to the west or starboard side.

Q. A little to the starboard of the “Mikahala”?

A. “Mikahala.”

Q. But was she lying in a straight line with the “Celtic Chief,” practically pointing seaward?

A. She wasn’t directly astern or pointing to sea from the “Celtic Chief,” but she was—

Q. That’s correct, is it?

A. She was pointing to sea.

Q. She was directly astern of the “Celtic Chief” and pointing to sea? A. Not directly astern.

Q. Practically astern? A little bit to the—

A. East.

Q. Now, that was true practically all of the time from dusk on Wednesday until the “Celtic Chief” came off, was it? She maintained that position from dusk on Wednesday afternoon until the “Celtic Chief” came off Wednesday night? A. Yes, sir.

(Testimony of George E. Piltz.)

Q. Now, with this heavy swell that you have spoken of, how do you account for the fact that her stern didn't [2186—1354] swing down toward the "Helene" in view of the fact that her lines were slack and had no strain on them? What kept her in position? A. Her anchor, I believe.

Q. Her anchor which was directly at right angles to her bow as you have testified? How could that prevent her stern from swinging around down toward the "Helene"?

A. Well, there was quite a space between the "Mikahala" and the "Helene," you know, and there was more space there than the length of the "Arcona."

Q. You haven't yet answered the question. How do you account for the fact that the "Arcona's" stern didn't swing down toward the "Helene," her bow being held in position by her anchor?

A. Her stern was more towards the "Helene" than her bow was.

Q. Oh, you mean to say, now as a matter of fact, the "Arcona" did not have a straight line pointing toward the "Celtic Chief"?

A. I say she was a little to the east, in an easterly position from the position of the "Celtic Chief."

Q. You said that was the position of the "Arcona," as I understand you. Now, I want to know how it was that her stern didn't swing around considerably toward the "Helene" in view of the slackness of her line running to the "Celtic Chief," as a consequence of the heavy swell running on her port quarter? You don't know?

Mr. WARREN.—I don't think the question is in-

(Testimony of George E. Piltz.)

telligible, your Honor.

Q. Run up the quarter and out on the port side?

A. Port side of what?

Q. Of the "Arcona." I'll supplement it by saying, [2187—1355] the swell that was running on Wednesday night struck the "Arcona" on her port side? A. No, sir.

Q. Where did it strike her?

A. What is this, the wind or the sea?

Q. The sea, the swell?

A. Struck it on the starboard side.

Q. So its tendency was to throw it down toward the "Mikahala," was it?

A. Well, she stemmed the swell more than having it broadside.

Q. Well, the "Mikahala" was pulling on the starboard quarter, wasn't she, of the "Celtic Chief"?

A. Yes.

Q. That is to say, the "Mikahala," the "Mikahala's" port side was to the starboard quarter of the "Celtic Chief." That's correct, isn't it?

A. Starboard.

Q. The "Celtic Chief" and the "Mikahala" were just reversed, *weren't*; *they* were stern to stern, just reversed; and, therefore, the starboard side of the "Celtic Chief" was the port side of the "Mikahala" in their relation to one another; isn't that correct?

Q. Don't you understand the question?

A. No, sir.

Q. The "Mikahala" was pulling on the starboard quarter of the "Celtic Chief," wasn't she?

A. Yes, sir.

(Testimony of George E. Piltz.)

Q. Then, as you were, the "Helene" was on the starboard side of the "Mikahala," wasn't she?

A. Yes.

Q. Now, then, did the swell strike the "Mikahala" on the port side or the starboard side?

A. Struck her on the starboard side. [2188—1356]

Q. Then it struck her on the starboard side and had a tendency to throw her away from the "Helene" or toward the "Helene"?

A. Away from the "Helene."

Q. Away from the "Helene"? Now, where did the swell strike the "Celtic Chief," at the starboard side or the port side? A. Starboard quarter.

Q. Starboard quarter? Do you mean to say that the swell did not strike the "Celtic Chief" on the star-board quarter and also struck the "Mikahala" on her starboard side, even though they were pulling stern to stern? A. Yes, sir.

Q. I'd like to have a drawing made in order that we can get this clear. Now, will you please draw the "Celtic Chief" on this paper.

(Witness draws.)

Q. Now, mark that "Celtic Chief."

(Witness marks.)

Q. Now, will you draw the line of the "Mikahala" and the "Mikahala"?

(Witness draws.)

Q. Now, have you drawn the "Mikahala"? Have you drawn the "Mikahala"?

A. That's the "Mikahala."

Q. Have you put the name "Mikahala" over the



(Testimony of George E. Piltz.)

point representing the "Mikahala"? A. Yes.

Q. Now, then, will you indicate which is the starboard side of the "Celtic Chief" and which the port side by writing starboard on the starboard side and port on the port side of the "Celtic Chief"? Write it straight out this way.

(Witness writes.)

Q. Now, will you write starboard on the starboard of the "Mikahala" and port on the port side of the "Mikahala"? [2189—1357]

(Witness writes.)

Q. Now, which way was the swell running? Indicate on that by an arrow, with reference to the "Celtic Chief."

(Witness draws.)

Q. Point your arrow toward the "Celtic Chief" instead of away from it. Now, does that indicate the direction of the swell toward the "Celtic Chief"?

A. Yes.

Q. Now, then, indicate the direction of the swell toward the "Mikahala."

(Witness draws.)

Q. Now, then, will you draw the lines of the "Arcona" and draw the "Arcona"?

(Witness draws.)

Q. Her two lines. You've marked the "Arcona" now, have you? A. Yes.

Q. Now, where was the second line of the "Arcona" running to the "Celtic Chief"?

(Witness draws.)

Q. Now, then, where was the "Helene"? Mark

(Testimony of George E. Piltz.)

the "Helene" and the lines running to the "Helene."

(Witness draws.)

A. This isn't on scale.

Q. Draw it to the best of your ability.

(Witness draws.)

Q. Now, draw the line from the "Helene" as you have designed it to the "Celtic Chief," indicating its hawser.

(Witness draws.)

Q. Mark "Helene" on the diagram.

(Witness writes.)

Q. Now, will you indicate where the Miller anchor was located according to your observation, and the line running to it? [2190—1358]

(Witness draws.)

Q. Have you drawn a diagram of an anchor indicating the Miller anchor? A. Yes.

Q. Now, then, draw a line from that to the "Celtic Chief," indicating its hawser.

(Witness draws.)

Q. Now, that is a correct designation, is it, of the situation as far as you can draw it? A. Yes.

Q. All right. I offer this in evidence.

The COURT.—It may be received in evidence.

("Libellee's Exhibit 4, Celtic Chief.")

Q. You say that the power of the wind and swell, of the swell, I should say, was such that you had to have your anchors out to prevent your boats from being swung over by the swell, didn't you? Is that correct?

(Testimony of George E. Piltz.)

A. Read that question over again, please.

(Question read.)

Q. Is that right? A. I forget.

Q. Well, now, didn't the "Mikahala" have her anchor out on her port bow to prevent her from being driven down on the other boats? Isn't that your testimony? A. Yes.

Q. Now, then, will you explain how it was that the "Mikahala" had no tendency to being thrown down between the "Arcona" and the "Helene" if the swell was striking her on her starboard and her anchor was on her port side?

A. Back water, the current that was caused from the different ships why drove her down towards the "Helene." [2191—1359]

Q. The current caused by what?

A. By the churning of the different steamers.

Q. In which direction was the current from those propellers running?

A. They were running away from the steamers, but they formed an eddy and struck the "Celtic Chief" and circled back and struck us on our port side.

Q. And that was of greater effect, was it, than the swell? A. That is what kept us in position.

Q. That had a greater effect upon the "Mikahala" than the swell.

A. What is this, on Wednesday what?

Q. On Wednesday night?

A. You must bear in mind there was a northeast wind blowing and also this current.

Q. You will indicate the north, and the west, the

(Testimony of George E. Piltz.)

east, and the south on this diagram also, by writing north, south, east, and west. Make a cross right here showing the directions.

(Witness draws.)

Q. Now, indicate where. Now, you have drawn on this diagram a cross indicating the directions with the letters N, E, S, and W written on that cross. What do those letters indicate?

A. North, south, east, and west.

Q. That is, N stands for north, S for south, E for east, and W for west. Now was that backwash sufficient Wednesday night to overcome the swell that was running the "Mikahala" on her starboard?

A. No, sir.

Monday, September 18, 1911. [2192—1360]

Q. I think you testified, Captain Piltz, that the reason why the "Mikahala" was not carried over to the seaward of the position of her anchor was because there was a backwash from the propellers of the towing steamers which worked over toward the "Celtic Chief" then back around on the port side of the "Mikahala," carrying her over to starboard; is that correct? A. When? What day was this?

Q. All of the time that the "Mikahala" was pulling out there?

A. I can't say that there was that there all the time because the propellers and seas and swells were different at various times.

Q. Do you mean that the swell came from a different direction at one time than at another?

A. What I have on the diagram there is only one

(Testimony of George E. Piltz.)

position, but we varied so that the swell would strike us different.

Q. All right. I understand you to say, Captain Piltz, that the swell did not strike the "Mikahala" on the port side of the "Mikahala"; is that correct?

A. No, sir, that's not.

Q. It is not correct? The swell did strike the "Mikahala" on her port side, did it?

A. Sometimes.

Q. Now, then, will you state how the swell struck the "Mikahala" on Wednesday and Wednesday night?

A. It was more on her port bow, more ahead than it was on the starboard bow.

Q. Well, was it on her port side or on her starboard side? A. On her port side. [2193—1361]

Q. When was it that the swell struck the "Mikahala" on her starboard bow?

A. It was about as the vessel floated.

Q. At the time that the vessel floated?

A. Yes, sir, and a little before that.

Q. Now, how long had that been going on? How long had that been going on? In other words, how long had the swell been striking the "Mikahala" on her port bow, on her starboard bow?

A. Not very long, about a half an hour or so.

Q. Now, was there any other time than this that the swell struck the "Mikahala" on her starboard side? A. On her starboard side?

Q. Yes.

A. No, sir, not pulling, not while pulling.

Q. That was the only time that the swell struck



(Testimony of George E. Piltz.)

her on her starboard side?

A. Yes, when we floated off.

Q. What's that?

A. When we floated off and stood more to the seaward where the vessel floated. That was when the swell struck the "Mikahala" on the starboard side and that alone.

Q. That was the only time that the swell struck the "Mikahala" on the starboard side?

A. As I say, it may have struck her on the starboard side as we varied our position. We didn't always maintain the same position.

Q. Did you observe that the swell struck the "Mikahala" on her starboard at any other time?

A. Well, no particular time.

Q. No particular time?

A. Well, the only direction of the swell with reference to the "Mikahala" [2194—1362] that you observed then, from the time just about the time that the "Celtic Chief" was coming off, was that of striking the "Mikahala" on her port bow? Then as far as you observed the swell struck the "Mikahala" on her port bow? A. Yes, sir.

Q. Except for the time when she varied so far over to the seaward at the time the "Celtic Chief" was coming off? A. Yes.

Q. Otherwise the swell struck the "Mikahala" on the port side? A. Yes.

Q. That is true during Wednesday and Wednesday night, was it? A. Yes.

Q. All right. Then the swell must have struck the "Arcona" also on her port side, did it not, on

(Testimony of George E. Piltz.)

Wednesday and Wednesday night up to this time that you have spoken of when the "Celtic Chief" began to come off?

A. Well, the "Arcona" took the swell more ahead.

Q. She was lying more to port, to the port of the "Celtic Chief," than the "Mikahala" was, wasn't she? A. Yes.

Q. And she was pointing out to sea, wasn't she?

A. Yes, more of an easterly position, direction, than the "Mikahala."

Q. Now, it's the fact, isn't it, Captain Piltz, that the "Arcona" pointed directly ahead from the "Celtic Chief" in line with her towing lines?

A. Directly in line with her towing lines?

Q. Yes, out to sea?

A. No, sir, she had a bit of an angle. The "Celtic Chief"—I mean the "Arcona"—had a bit of an angle to the eastward.

Q. So did the "Mikahala," didn't it?

A. No, sir; the "Mikahala" had an angle the opposite [2195—1363] way from her towing line, pulling over from her starboard waist.

Q. She had an angle more to the starboard of the line, of her tow line, didn't she?

A. Yes, sir, she had more strain and angle over to the starboard bits.

Q. In other words, although the "Mikahala's" anchor lay on her port bow, nevertheless, her bow was pointed more to starboard of her towing lines than to port, is that correct? A. Yes, sir.

Q. That's what you wish the Court to under-

(Testimony of George E. Piltz.)

stand? A. Yes, sir.

Q. So that she was lying at an angle away from her anchor at her bow? A. At times she would.

Q. Well, now, I'm not asking you what she was doing at times. I'm asking you what was her position, and I understood you to say more to starboard than to port.

A. At times, because she'd rise. She'd have the starboard side more to port, but she wouldn't retain the same position from the anchor.

Q. Would she sometimes have her bow to port?

A. Port of what?

Q. Of her own towing lines.

A. She'd alter her position from her anchor, but she wouldn't change her bow while pulling.

Q. And that was always at an angle to starboard?

A. Always while we were pulling.

Q. Now I'll ask you, did the "Mikahala" fall back and forward so that sometimes she was to eastward of her location and sometimes to westward of her anchor? [2196—1364]

A. No, sir, I don't remember of ever having her anchor on her starboard bow.

Q. Well, would the "Mikahala" come over practically in line with the anchor?

A. Practically, sometimes.

Q. Her anchor-chain would loosen up considerably at that time, wouldn't it? A. Yes.

Q. So that, as a matter of fact, Captain Piltz, the anchor was used, not for pulling purposes on the "Celtic Chief," but simply to hold the "Mikahala" in position so that she would not blow down on the

(Testimony of George E. Piltz.)

other vessels, is that correct? A. Yes, sir.

Q. That is correct, is it?

A. The anchor was placed there to hold her in position and any time it was necessary to pull on it, why we would heave on it.

Q. But I understood you to say that in view of the fact that her anchor-chain would loosen up, the real use was to keep the "Mikahala" in position.

A. Not when occasion arose to use it.

Q. Did that occasion arise? A. It did.

Q. When? A. When the vessel floated.

Q. What was the position of the "Mikahala" at that time?

A. Why, she altered her position from there and had to pull on her port waist.

Q. So that she was further than usual?

A. More than she had been all the time.

Q. Isn't it the fact that if, at that time, the "Arcona" had been pulling her lines would not have interfered with the "Mikahala"?

A. If she had been pulling?

Q. Yes.

A. Yes, I daresay if she [2197—1365] had been pulling she wouldn't have interfered.

Q. She would not have interfered. Now, how long was it that the "Mikahala" was pulling in the position that you have just stated in line with her anchor and further to eastward?

A. About half an hour; something like that. Probably an hour.

Q. A half an hour or an hour, and during all that time the "Arcona" might have pulled and kept a

(Testimony of George E. Piltz.)

strain on her hawsers without interfering with the "Mikahala"?

A. She might have, but she did not pull.

Q. That is not the question, Captain Piltz. The question is, she might have done so, mightn't she?

The COURT.—I understand he's answered that.

Q. And the "Arcona," during that half hour or hour that you have just spoken of, might have pulled and kept a strain on her hawsers without interfering with the "Mikahala"?

A. Yes, I think she could have.

Q. About how much was the distance between the "Arcona" and the distance to the starboard of the "Mikahala," was the "Arcona" from the "Mikahala" during Wednesday afternoon and early Wednesday night?

A. Oh, about a hundred and fifty feet.

Q. One hundred and fifty feet?

A. That the "Mikahala's" bow and to her stern.

Q. And during the time that the "Mikahala" was pulling to the eastward practically in line with her anchor, which you say was during the last half hour or hour that the "Celtic Chief" was on the reef, how far, then, was the "Arcona" to the starboard of the "Mikahala"?

A. She wasn't very much farther away from the "Arcona" [2198—1366] as we altered our position further ahead and to the eastward.

Q. She was not very much farther? A. No, sir.

Q. Well, how much farther did you veer to the eastward?

A. Well, we veered along, our lines were finally



(Testimony of George E. Piltz.)

come, were more than right angles to the stern.

Q. But how far away, during that half hour or hour that you were pulling, as you say, in direct line to your anchor, how much farther to the eastward had you veered?

A. We didn't veer any more then. I can't say exactly.

Q. Approximate it, please.

A. But she didn't alter her position very much because we were abreast of the "Arcona."

Q. Well, you veered to eastward, didn't you?

A. We veered to eastward.

Q. Now, how much more did you veer to eastward?

A. I don't know exactly the amount in feet or yards.

Q. Well, let's have your best judgment.

A. Oh, about thirty or fifty feet; something like that.

Q. Thirty or fifty feet?

A. Yes, sir; that is, before she floated?

Q. Yes, during the half hour or hour that you were pulling over to eastward as you stated.

A. As she was heaving on her anchor she varied about thirty or fifty feet.

Q. Now, then, you stated on the last examination, the last time that we were here in court, last Friday, I believe, that when the swell was striking the "Mikahala," on her starboard bow, the swell was at that time practically striking the "Arcona" in line with her stem; is that right? Practically striking her directly on the bow straight ahead, neither to port nor [2199—1367] starboard. Now, is that right?

(Testimony of George E. Piltz.)

A. Yes, sir, that's true.

Q. That's correct. Now, that, however, was only during the last half hour, about the last half hour of the time the "Celtic Chief" was on the reef, according to your testimony to-day. Now, during the rest of the time, Wednesday and Wednesday night, where did the swell strike the "Arcona"?

A. She varied her position. It would be right ahead, a little on the port bow, sometimes on the starboard bow.

Q. She would vary her position, would she?

A. That is, a little.

Q. So that the sea would be a little on the port as well as on the starboard?

Q. You are sure of that? A. Yes.

Q. You observed that, did you, carefully? In other words, you noted on Wednesday afternoon and Wednesday night, early Wednesday night, that the swell was striking the "Arcona" sometimes on her starboard bow and sometimes on her port bow?

A. Most times on her port bow.

Q. Most of the time on her port bow. Now, how were you able to observe that Wednesday night, prior to the time that you went aboard the "Mikahala"?

A. Yes, sir, the answer to the first question is only for the daytime on Wednesday.

Q. Did you understand the question that I asked you? Where did the swell strike the "Arcona" on Wednesday and Wednesday night prior to this half hour during which you said the swell was striking the "Mikahala" on her starboard bow—did you un-

(Testimony of George E. Piltz.)

derstand that question to include [2200—1368]  
Wednesday night?

Q. Did you or did you not?

A. I didn't quite then, but I understand it now.

Q. As a matter of fact, you don't know where the swell was striking the "Arcona" on Wednesday night, do you?

A. No, sir, because I wasn't there.

Q. You were on the "Celtic Chief"?

A. The "Celtic Chief" and on the "Mikahala."

Q. So far as you know, the "Arcona" might have been pointing directly out to sea in line with her cables, taking the swell of the sea on her port bow in the same manner that the "Mikahala" was taking the swell on her port bow? A. Yes, sir.

Q. That's as far as you know anything about it?

A. Yes.

Q. And you don't know, do you, whether or not the "Arcona" on Wednesday night was pointing more to the eastward than the "Mikahala," after dark?

A. She was pointing more eastward because I could see the range of lights along her deck.

Q. There was a pretty large blaze of light from the search-light of the "Arcona," wasn't there, playing practically all the time Wednesday night?

A. No, sir.

Q. There was not?

A. Not all Wednesday night.

Q. A good part of Wednesday night it was playing, wasn't it?

A. I don't quite remember the time it started, but

(Testimony of George E. Piltz.)

it wasn't the best part of the night.

Q. How much of the time was that search-light playing? [2201—1369]

A. I don't remember. I know it wasn't playing while I was on the "Mikahala" and parcelling her lines.

Q. It wasn't playing at that time?

A. No, sir; that is, about seven or half-past seven or eight o'clock.

Q. Well, now, how long after that was it when it began to play?

A. Somewheres about ten o'clock.

Q. And from ten o'clock onward it kept playing pretty steady? A. I didn't take time to notice.

Q. In other words, you weren't taking particular pains to notice the tow lines?

A. Not the search-light.

Q. Isn't it the fact that from ten o'clock onward you were not taking any particular notice of the tow-lines? A. I did occasionally.

Q. What do you mean by occasionally?

A. Oh, three or four times.

Q. Three or four times from that time onward until you went on the "Mikahala"?

A. From the time I parceled the lines.

Q. When you parcelled the lines it was about seven o'clock? A. More eight than it was seven.

Q. Between seven and eight o'clock?

A. About eight o'clock.

Q. And at that time the "Arcona's" line was hanging loosely over the "Mikahala's" towing line?

A. Yes.

(Testimony of George E. Piltz.)

Q. And it was then that you were parcelling the "Arcona's" towing line? [2202—1370]

A. Parcelled the "Mikahala" line.

Q. According to your observation, then, the "Arcona" began to use its search-light about ten o'clock?

A. Somewheres around there.

Q. That was about the time, wasn't it, that the second red light went up in the rigging of the "Celtic Chief"? A. Yes.

Q. Just about the same time?

A. The same time.

Q. And that second red light was put up there for the purpose of signalling the Inter-Island steamers to go ahead full speed? A. Yes.

Q. And the "Arcona" began to use her search-light about the same time. Now, what was the purpose of the use of that search-light, if you know?

A. I don't know.

Q. From ten o'clock onward did you observe the tow lines several times? A. Yes.

Q. How many times? Two times? Four or five times, that you observed the tow lines? Did you observe those tow lines? A. Three or four times.

Q. Most of the times you were observing those tow-lines was after the Inter-Island steamers were signalled to go ahead full speed? A. Yes.

Q. Now, how were you able to see those tow lines and the conditions around the vessel?

A. I only noticed the lines on the starboard side of the "Celtic Chief."

Q. It was a cloudy night, wasn't it? A. Yes.

Q. The moon wasn't shining or the stars either,



(Testimony of George E. Piltz.)

were they? A. I don't remember.

Q. If it was a cloudy night they couldn't very well have been shining? A. I guess not.

Q. Was that—it was a dark night? A. It was.  
[2203—1371]

Q. Now, then, isn't it the fact that the only reason that you were able to observe the lines on the starboard of the "Celtic Chief" was because the "Arcona" had her search-light playing, giving more or less light?

A. I never noticed once that the "Arcona" throw her lights on the towlines.

Q. In other words, the search-lights of the "Arcona" were never lowered down to the towlines?

A. I didn't notice.

Q. Not at any time from ten o'clock onward?

A. Yes, sir.

Q. And if it had been lowered onto those towing lines you would have observed it? A. Yes.

Q. So that, according to your observation and your recollection, the "Arcona" had at no time on Wednesday night had her search-light playing on the towing lines? A. I don't remember.

Q. What's that?

A. I don't remember. I told you once before that I didn't notice.

Q. You said that if she had had her search-light onto her towing lines that you would have observed it? A. Yes.

Q. And you didn't observe anything like that?

A. I observed the line.

Q. Did you observe the search-light playing on

(Testimony of George E. Piltz.)

the line? A. She might have.

Q. So, as a matter of fact, she might have had that search-light playing all of the time?

A. She did not have it on at all times because if she had I would have noticed it.

Q. After you went aboard of the "Mikahala" was the "Arcona" using her search-light?

A. I believe she did.

Q. During all of that time?

A. I can't remember if she [2204—1372] did or did not.

Q. But a good part of the time as far as you remember?

A. I noticed that she had her search-light on there several times when I glanced over.

Q. Now, it was easily apparent, wasn't it, Captain Piltz, that the Inter-Island Steam Navigation Co. vessels were pulling hard from ten o'clock or thereabouts onward, up to the time that the "Celtic Chief" came off? A. Yes.

Q. Now, Captain, what was going on there could have been observed with very little trouble?

A. Yes.

Q. That's correct, is it? A. Yes.

Q. Now, is there any reason, as far as you know, why a person or persons on board of the "Arcona" couldn't have observed that the Inter-Island vessels were pulling good and hard during that period of time? A. They would have.

Q. They would have observed it? A. Yes, sir.

Q. I see. A person aboard of the "Celtic Chief" must have been able to observe the same thing.

A. Yes, sir.

(Testimony of George E. Piltz.)

Q. And yet, during all this time the "Arcona" was doing nothing? That's correct, is it? A. Yes.

Q. Absolutely nothing? A. To my knowledge.

Q. As far as you know? A. From what I know.

Q. You wish to qualify your answer in that way?

A. As far as I know because she did not change her position ahead anyway; she came over abreast of us and finally abreast of us. That's why I said she couldn't be pulling.

Q. Pointing and headed in shore, her ——— was astern of the "Mikahala"? In other words, I want to find out your real reason for saying the "Arcona" was not [2205—1373] pulling. Your real reason was this, that when the "Celtic Chief" began to come, the "Mikahala" gradually forged ahead, came abreast of the "Arcona" and finally placed the "Arcona" astern of herself? A. Yes.

Q. Showing that the "Arcona" was not pulling? A. Yes.

Q. Now, that's your real reason for saying the "Arcona" was not pulling? A. Yes.

Q. Do you know that the Miller Salvage Co. anchor was likewise doing nothing during this period of time, the appliance of the Miller Salvage Co.?

A. I didn't see that.

Q. As far as you know it might have been doing something? A. It was there.

Q. The Miller Salvage Co. anchor and tackles might have been in use pulling on the "Celtic Chief" during that period of time as far as you know?

Mr. WARREN.—What period of time? I object to the question unless it states what time.

(Testimony of George E. Piltz.)

Mr. OLSON.—I can only possibly refer to one period of time, that is the time that the “Celtic Chief” began to come.

A. I don’t know.

Q. Now, you wouldn’t say, would you, that the Miller Salvage anchor was doing nothing even if you had observed that the “Mikahala,” when the “Celtic Chief” began to come out, forged ahead of the position of the anchor and finally left the anchor astern of the “Mikahala”—had you observed that you would not, for that reason say, would you, that the Miller Salvage Co.’s anchor and tackle were not in use pulling on the “Celtic Chief” immediately prior thereto? A. No, sir.

Q. In other words, even if they were in use the “Mikahala” would have forged ahead of the position of the anchor? [2206—1374]

A. Yes, sir, if they were in use.

Q. Now, just during what period of time was it that you observed this tremendous backwash from the propellers of the towing steamers to the “Celtic Chief” which you say went back to the “Celtic Chief,” surged around and made a circle, coming around, striking the “Mikahala” on her port side? When was that?

A. May I ask your Honor? During this time I drew this plan I got a little confused in placing the swell on the “Mikahala’s” bow which I have stated. In thinking over the matter since I found my mistake and I wish to correct it if I can. As I stated during the day, I was kind of dumb and didn’t have much sleep and I was a little confused at the last of

(Testimony of George E. Piltz.)

this testimony and I wish to correct it.

Mr. OLSON.—Now, then, Captain Piltz, do you wish to say that the swell did not strike the "Mikahala" on her port bow or on her starboard bow?

A. I said a little while ago that it struck her during the period just prior to the floating of the "Celtic Chief."

Q. Now, I want you to explain about this backwash. Didn't you testify that there was such a backwash from the towing steamers due to their propellers which came around in a circle passed the "Celtic Chief" and circling around and striking the "Mikahala" on her port side?

A. There was some, to a certain extent.

Q. And didn't you say that that had a tendency to offset the force of the swell?

A. It would to a certain extent.

Q. Now, when was it that this—that backwash—would strike the "Mikahala" on her port side, is that what you say?

A. Yes. Bear in mind there is always a westerly set to the entrance of the harbor. There is always a westerly current.

Q. A westerly current?

A. There is always a set towards the westerly.

Q. So, as a matter of fact, at the stern of the "Celtic Chief" [2207—1375] there was a set or current coming by the stern of the "Celtic Chief" out to sea; is that right?

A. The stern of the "Celtic Chief"?

Q. Yes.

A. No, sir, the water would wash inward; that is,



(Testimony of George E. Piltz.)

toward the north.

Q. What do you mean by this set or current that you just now spoke of?

A. Where the "Mikahala" was?

Q. How much farther out from the "Celtic Chief" was that? A. The length of the towline.

Q. How much was that?

A. The full length of the hawser.

Q. Yes; what's the length of that?

A. 720 feet long, untied.

Q. That would make between 650 and 700 feet?

A. Yes.

Q. And this set or current was in which direction?

A. Setting toward the westerly, would strike her on the port bow a little.

Q. And the backwash would do the same thing, strike her on the port quarter?

A. I don't know if it's the backwash or the current.

Q. Now, you wish to say, do you that you don't know whether there was such a backwash?

A. Yes, there was backwash.

Q. Which was striking the "Mikahala" on her port side? A. Port side.

Q. Now, that backwash would rush in between toward the "Celtic Chief" from the propellers of the towing steamers? A. Yes.

Q. Wouldn't that have a tendency to throw the "Celtic Chief" farther on the beach?

A. There was enough water from the opposite direction.

(Testimony of George E. Piltz.)

Q. What do you mean from the opposite direction? A. From her starboard quarter.

Q. What was that from?

A. The "Helene" and the "Likelike." [2208—1376]

Q. The "Helene" and the "Likelike" would throw enough backwash toward the "Celtic Chief" on her starboard quarter to offset this backwash; is that right?

A. As I noticed. I didn't find any difficulty with any of the boats going back and forth being carried toward the westward.

Q. Isn't it the fact, Captain Piltz, that every swell from the sea that struck the "Celtic Chief" was striking upon her starboard quarter?

A. Yes, sir.

Q. And isn't it the fact that this backwash from the "Likelike" and the "Helene" had a tendency to strike her on the port quarter?

A. That struck her directly astern.

Q. Struck it directly astern? A. Astern.

Mr. WARREN.—I'd like to have the witness' answer.

The WITNESS.—Directly astern, little bit on her starboard.

Mr. OLSON.—Now, that being the case, Captain Piltz, isn't it the fact that the combined tendency of the backwash of these steamers and the swell would be to throw her farther on the beach or on the reef?

A. No; the backwash from the steamers would not have any effect on the steamer.

Q. It would not? It would be very slight?

(Testimony of George E. Piltz.)

A. Very slight.

Q. Then it would be very slight when it struck the "Mikahala" considerably later after it had taken this swing around, wouldn't it? It would be very much less when it struck the "Mikahala" on her port side, would it not? A. Yes, it would be less.

Q. It would lessen the backwash?

A. The backwash, yes, would be less.

Q. So when it struck the "Mikahala" on her port side it wouldn't amount to anything? A. No, sir.

Q. Why did you call attention to that on last Friday when we [2209—1377] were talking about the position of the "Mikahala" and the swell striking her? Did you call attention to this backwash striking the "Mikahala"?

A. Well, it is known that there was a certain amount of backwash, and what I saw her, the way she working with the boat pulling alongside of the port side and I noticed the current was striking the "Mikahala" over on the port side more than on the starboard.

Q. Didn't you testify that this backwash striking the "Mikahala" on the port side was sufficient to overcome to a large extent the force of the swell striking the "Mikahala" on her starboard side on Wednesday night? Didn't you testify that last Friday?

A. I don't remember that I testified that it would take an equal amount.

Q. I didn't say anything about an equal amount.

Mr. WARREN.—I'd like to have the witness' whole answer on that.

(Testimony of George E. Piltz.)

The COURT.—I think that's only fair.

The WITNESS.—May I know the question.

(Question read: Didn't you testify that this backwash striking the "Mikahala" on the port side was sufficient to overcome to a large extent the force of the swell striking the "Mikahala" on her starboard side on Wednesday night?)

A. No, sir; the backwash was not sufficient to overcome the force of the swell.

Q. As a matter of fact, it would have a very trivial effect in comparison with that swell? A. Yes.

Q. Practically had no effect upon the "Mikahala" and her position?

A. That is towards the time she floated?

Q. At the time that this backwash was striking the "Mikahala" on her port side?

A. No, sir; it didn't affect us much.

Q. Did you observe that it affected it at all?

A. No, sir, I don't remember of observing it.

[2210—1378]

Q. Now, as far as you observe, the "Arcona" would change her position in no practical way from dusk of Wednesday night until the "Celtic Chief" came off? That is your testimony, is it not?

A. Yes.

Q. Now, at the time that the "Arcona," that is, the "Celtic Chief," came off or shortly prior thereto, say during the hour or so prior thereto, the line of the "Arcona" which was fastened on the starboard side of the "Celtic Chief" crossed over the "Mikahala's" line pretty far out, did it not? A. Yes.

Q. It was not near to the "Celtic Chief" at all,

(Testimony of George E. Piltz.)

was it, at that time? The line of the "Arcona," I mean, at the place where the "Mikahala's" line was fastened to the "Celtic Chief"?

A. I didn't notice that she was chafing at all.

Q. Was it hugging the side of the "Celtic Chief" closely?

A. Well, it was about six or eight feet from her side.

Q. Now, the "Mikahala's" hawser was fastened where? A. The quarter.

Q. The quarter chock?

A. The starboard side of the "Celtic Chief."

Q. The starboard quarter? A. Chock.

Q. And the "Arcona's" line was opposite there, the chock amidships? A. Amidships.

Q. Yes. And distance, how far? About what was the distance between those two chocks?

A. I don't know exactly, but I should guess about—

Q. Fifty feet? A. No, about forty feet.

Q. About forty feet and the starboard line of the "Arcona" passed over the "Mikahala's" line?

A. Yes.

Q. At a distance about six or eight feet from the side of the "Celtic Chief"? A. Yes.

Q. How did you manage to parcel it?

A. Crawled out like a monkey. [2211—1379]

Q. Did you crawl out on the lines and do that?

A. Yes.

Q. And that's the position it was in at seven o'clock? A. Eight o'clock.

Q. Eight o'clock Wednesday night? A. Yes.



(Testimony of George E. Piltz.)

Q. And as far as you know it was in that same position until the time she came off? A. Yes.

Q. What do you mean when you say, that line wasn't carried to the "Celtic Chief"?

A. Which line?

Q. The "Arcona's" starboard line, the line on the starboard side of the "Celtic Chief"?

A. It was not carried to her side, it was placed near her side with a three-inch line fast to the railing around her poop deck, a three-inch manilla line fast to the "Arcona's" wire line which was over the "Mikahala's" towline.

Q. Now, the swell was striking the "Celtic Chief" on her starboard quarter? A. Yes.

Q. And the "Arcona" line was slack? A. Yes.

Q. Lying down with no strain on it at all?

A. Yes.

Q. And yet that line was kept in her position six or eight feet away from the starboard side of the "Celtic Chief" at the point where the "Mikahala's" line entered the chock on the "Celtic Chief"?

A. Yes.

Q. Now, how do you account for the fact that with this swell, running that line was not carried further against the side of the "Celtic Chief"?

A. It was on account of the slant of the "Mikahala's" hawser. The "Mikahala's" hawser was higher at the chock than it was six or eight feet where I was parcelling the line and that probably kept it from coming up.

Q. Do you know that's what kept it?

A. Yes, that's what kept it. [2212—1380]

(Testimony of George E. Piltz.)

Q. Did that line have a tendency to veer over towards the stern of the "Celtic Chief" where it struck the water or did you observe that?

A. I did not observe and I won't state that it veered over to starboard or to port.

Q. You don't know?

A. No, sir, I don't remember; it happened two years ago.

Q. Some things you remember pretty well, Captain. Where was the "Likelike" pulling on Wednesday night?

A. She was—she had a line fast to the opposite chock to the "Mikahala" on the port quarter.

Q. I'd like to have you draw on this diagram that you have already made—I am now referring to Libellee's Exhibit 4—the position of the "Likelike" and the line running from the "Likelike" to the "Celtic Chief," and kindly mark the diagram "Likelike" to indicate the position of the "Likelike."

(Witness draws.)

Q. Now, mark that "Likelike," please.

(Witness marks on diagram.)

Q. Now, have you drawn the position of the "Likelike" and marked it "Likelike" on this diagram?

A. Yes, sir. I wish to state, your Honor, that diagram only shows one towline of the "Mikahala."

Q. There were two towlines, were there?

A. Yes.

Q. Where did the other towline run to?

A. On the port side to the same chock of the "Celtic Chief."

(Testimony of George E. Piltz.)

Q. Well, kindly draw the second towline of the "Mikahala" on this diagram?

A. You can see how excited I was Friday or else I would have drawn it.

(Witness draws on diagram.)

Q. Have you now indicated the second line of the "Mikahala" on the diagram?

A. Yes, sir. I have also drawn the bridle to the first line.

Q. Kindly show the stern of the "Mikahala" by a straight line [2213—1381] across the stern.

(Witness draws on diagram.) Can I also indicate the swell that was striking on the port side of the "Mikahala"?

Q. I think your testimony shows that?

A. The diagram may have more force.

The COURT.—I think it would be a good idea; that is, a general direction of the swell.

Mr. WARREN.—I think if the witness asks leave to correct his sketch he should be allowed the privilege.

Mr. OLSON.—Show the direction of the swell as you now say it struck the "Mikahala" by an arrow pointing in the direction of the swell, with a circle at the big end of the arrow.

Mr. WARREN.—I think that question should be put, your Honor, the position of the "Mikahala" at the time.

Q. Put a circle around the end of it to indicate the arrow that you are now making.

(Witness draws on diagram.)

Q. Mark your arrows now and indicate what you

(Testimony of George E. Piltz.)

now say is the swell. Will you indicate an arrow with a circle on it? A. I've already done that.

Mr. WARREN.—Now indicate this arrow.

Mr. OLSON.—I object very seriously to counsel for the Inter-Island Navigation Co. asking this witness to do anything or instructing this witness what to do.

Q. Now, then, Captain Piltz, has the arrow that you have drawn this morning to indicate the direction of the swell been erased in order that you can further make your correction? A. Yes.

Q. Now, will you kindly indicate in red ink an arrow with a circle on it to further distinguish it and to show what you wish to say the direction the swell was taking with regard to the "Mikahala" and also to the "Celtic Chief"?

(Witness draws on diagram.) [2214—1382]

Q. Now, then, indicate a smaller arrow to show where the swell was striking the "Celtic Chief."

(Witness draws on diagram.)

Q. An arrow in red ink with a circle on the end of it to indicate how it was striking the "Celtic Chief."

A. Same position as the last one?

Q. Anywhere, I don't care. Near the "Celtic Chief" some place put a smaller arrow.

(Witness draws on diagram.)

Q. Put a circle on the end of it. Now, have you drawn an arrow near the "Celtic Chief" to indicate the direction of the swell striking the "Celtic Chief" on the starboard quarter? A. Yes.

Q. Have you also drawn an arrow in red ink with a circle on it indicating the direction of the swell as

(Testimony of George E. Piltz.)

it struck the "Mikahala" near the quarter of the "Mikahala"?

A. This diagram, that's after she came off.

Q. Now, the points that you drew last Friday which appear on this diagram in pencil, indicate, do they, the direction of the swell as it struck the "Mikahala," after the "Celtic Chief" came off?

A. Yes.

Q. Is that correct?      A. Yes, sir.

Q. Was the swell so much that it was running in a different direction when the "Celtic Chief" came off?      A. No, the "Mikahala's" position changed.

Q. But the swell had not changed its direction?

A. Not to my remembrance. I don't remember exactly.

Q. Then, Captain Piltz, as the swell was running in the direction that you've indicated by these red arrows, it struck the "Arcona," did it not, on her starboard bow?

A. No, I don't quite remember now if it struck her on her starboard bow or not, but wherever it did strike her it struck her hard. [2215—1383]

Q. As you've indicated this arrow on this diagram, it appears that the swell was practically striking the "Mikahala" ahead on her bow; now, is that right?      A. No, sir, port bow.

Q. Then you haven't drawn this diagram correctly.

A. Well, it's a pretty rough sketch all through and I don't know exactly the lines of the different vessels.

Q. I'll show you a diagram that hasn't this arrow



(Testimony of George E. Piltz.)

indicating that the swell was striking the "Mikahala" practically dead ahead quite like that, a little on her bow. A. Yes, it's on her port bow.

Q. But doesn't this diagram indicate that it struck her dead ahead? A. Yes.

Q. So that your diagram even now doesn't indicate very well the direction of the swell?

A. About as correct as you can get it.

Q. Then isn't it true that the "Arcona" must have been lying with her bow somewhat over to westward than this diagram indicates?

A. That I won't dispute.

Q. She might have? A. She might have.

Q. So that the "Arcona" might have been lying a little bit more to westward with her bow than this diagram indicates? A. She might have.

Q. As far as you know? That's as far as you know? A. Yes, sir.

Q. Do you know where the "Mikahala's" anchor was dropped, whether on her starboard side or port side? A. Well, I don't know.

Q. Have you no idea?

A. Only from what I've heard.

Q. But you don't know of your own knowledge?

A. No, sir, I don't remember what anchor was used.

Q. As you have drawn this diagram, Captain Piltz, the "Arcona" was lying considerable to the eastward of the Miller Salvage Co.'s anchor. Now, I wish you to state whether or not that [2216—1384] is a correct representation or it isn't rather true that the "Arcona" wasn't lying practically over the

(Testimony of George E. Piltz.)

Miller Salvage Co.'s anchor? Isn't that the fact?

A. I can't remember.

Q. You can't remember. She might have been lying directly over the Miller Salvage Co.'s anchor for aught you know? A. Yes, she might.

Q. And you know where the Miller Salvage Co.'s anchor was, do you?

A. About between us and the "Celtic Chief."

Q. And the "Arcona" might have been lying directly over the anchor?

A. I don't quite remember.

Q. Now, it's a fact, isn't it, Captain Piltz, that the "Mikahala's" position was not less than 250 feet from the position of the Miller Salvage Co. anchor, 250 feet eastward and perhaps more, of the position of the Miller Salvage Co.'s anchor?

A. I don't know about that; she may have been 250.

Q. Well, don't you think that she was at least 250 feet eastward of the Miller Salvage Co.'s anchor?

A. Yes, I think she was.

Q. You think she was. She might have been more? A. She might have been a little bit more.

Q. When the "Celtic Chief" first began to come, the "Mikahala" was over three hundred feet, was it not, to the eastward of the Miller Salvage Co.'s anchor?

A. She kept on increasing her distance away from the Miller anchor as the vessel came off.

Q. And during that half hour just before the "Celtic Chief" came off, she was not less than three hundred feet away from the Miller Salvage Co.'s an-

(Testimony of George E. Piltz.)

chor; isn't that the fact?

A. I don't know that because I couldn't see the anchor there, but in the position that we changed the distance increased.

Q. She was 50 or 60 feet more to the eastward?

A. Yes. [2217—1385]

Q. And she must have been fifty or sixty feet further away from the anchor than she had been previously and, therefore, she must have been somewhere about three hundred or more feet to the eastward of that anchor, according to your best judgment and recollection? A. Yes, about three hundred feet.

Q. The Miller Salvage Co.'s anchor-line interfered in no way, did it, with the "Mikahala's" line?

A. No, sir.

Q. Not at any time? A. No, sir.

Q. Wasn't anywhere near the "Mikahala" lines, was it? A. No.

Q. Don't you know the fact to be that the "Arcona" in getting her final position carried away the buoy indicating the position of the Miller Salvage Co.'s anchor? A. No, sir.

Q. You don't know that?

A. I don't know that.

Q. You had charge of the discharging of cargo, did you, at the time that the barge was brought alongside with the donkey-hoist? A. Yes.

Q. And during the time that that barge and donkey-hoist were used? A. Yes, sir.

Q. Where was the barge made fast to the "Celtic Chief"?

(Testimony of George E. Piltz.)

A. On the—on her port side, abreast of the main hatch.

Q. How's that?

A. On the "Celtic Chief's" port side abreast of her main hatch.

Q. Was that a practical way of discharging cargo, an effective and practical way of discharging cargo?

A. Well, I know that is a very effective way and practical if you have no other means of hoisting.

Q. Do you think it was good judgment to bring out that barge and use that donkey-hoist in that way?

A. Yes, sir.

Q. You do? A. Yes. [2218—1386]

Q. No difficulty in operating it? A. No, sir.

Q. You found no difficulty whatever in discharging cargo in that manner? A. No, sir.

Q. It was a simple process?

A. No, it wasn't simple. The barge would range around considerable but the barge was moored to an anchor of its own which would keep the barge away from smashing up on the side of the ship.

Q. Now, Captain Piltz, don't you know that it would have been practically impossible to have used that donkey-hoist on that barge at all if it hadn't been for the fact that the sea was not running very high while it was used?

A. Well, how is that question again?

(Question read.)

A. Well, that's correct that you couldn't have used the barge if there was a big sea.

Q. As a matter of fact, there wasn't much swell?

(Testimony of George E. Piltz.)

A. Not on the port side we didn't feel it as much as we did on the starboard side.

Q. Now, where had the shore boats of the "Mikahala" been taking cargo from the "Celtic Chief"—both sides?

A. Both sides; the after hatch on the port side and the main hatch on the starboard side.

Q. Now, how far apart are those two hatches?

A. About forty or fifty feet, the same distance as the two chocks where the lines were made fast.

Q. Now, how long is a shore boat?

A. About twenty-three feet, I think.

Q. How much? A. Twenty-three feet long.

Q. Wasn't it perfectly practicable to have discharged from both hatches on the port side of the "Celtic Chief"? A. No, sir.

Q. Why not?

A. The boats would have interfered with one another. [2219—1387]

Q. They would?

A. That's the only reason why it wasn't practical, and the distance was greater and—

Q. Just a second there. How far is the main hatch located with reference to the beam of the "Celtic Chief"—how far from the rails, the bulwarks?

A. I don't remember.

Q. Isn't it exactly in the middle of the boat?

A. Yes.

Q. What was the other hatch that you were telling about? A. The after hatch.

Q. And isn't the after hatch also in the middle of the boat? A. Yes.



(Testimony of George E. Piltz.)

Q. Why, therefore, was the distance greater from the after hatch to the port side where the boats would have been more than to the starboard side?

A. The distance of the boats having to pull is what I have reference to.

Q. And rather than have that extra pull around they endangered the boats and the lives of the men in the boats in order to save the extra pull around? That's the fact, is it?

A. Well, there would have been the same amount of risk, more or less. It wouldn't matter what side we used at the main hatch.

Q. At the main hatch?      A. At the main hatch.

Q. Now, why?

A. The same amount of risk. The boats would be interfering with one another and they would get afoul of the hawsers and they would get afoul of the waters from the different towing boats. If they went around on the inshore around the bow of the "Celtic Chief," they would be in shallow water.

Q. Do you know how shallow the water was at that point of the "Celtic Chief"?

A. I don't remember.

Q. You don't know, as a matter of fact, that there were nineteen or twenty feet at the bow of the "Celtic Chief"? [2220—1388]

A. I think there was.

Q. What is the draught of the ordinary shore boat, the shore boats that were used there that night?

A. Every boat would draw three or four feet.

Q. Do you mean to say that the sea was breaking

(Testimony of George E. Piltz.)

at the bow of the "Celtic Chief" on the reef in twenty feet of water?

A. I remember they were breaking there.

Q. They were breaking there at a twenty-foot depth?

A. I don't know what the depth was there, but I remember when the swells would come along the side and striking the side of the "Celtic Chief" would curl up and as the seas come out her swell would continue breaking for a distance of twenty or thirty feet and then continue on.

Q. At which hatch was cargo being discharged by means of the barge and donkey-hoist?

A. The main hatch.

Q. That was on Wednesday, was it?

A. Yes.

Q. What time on Wednesday?

A. In the afternoon sometime.

Q. You mean in the afternoon of Wednesday?

A. Yes, sir.

Q. Just where was that donkey-hoist and barge—about midships of the "Celtic Chief"?

A. Well, if the main hatch was in the midships, why, certainly the donkey-hoist must have been in the midships.

Q. Just amidships?

A. Because I once stated it was abreast of the main hatch.

Q. Now, the other boats had no opportunity for going alongside of the barge and the "Celtic Chief" in taking off the cargo being discharged from the main hatch?

A. They wasn't anywheres near the barge.

(Testimony of George E. Piltz.)

Q. Where were they?

A. Around on the opposite side.

Q. Do you mean to say that the cargo which was being discharged by means of the donkey-hoist on the barge was discharged on the opposite side of the ship? [2221—1389] A. Yes.

Q. In the shore boats there? A. Yes.

Q. Did all of the shore boats, then, take cargo from the starboard side of the "Celtic Chief"?

A. No, sir.

Q. Did some of them take cargo from the after hatch on the port side of the "Celtic Chief"?

A. Yes.

Q. Why couldn't they have taken cargo on the port side from the main hatch also?

A. Why, they would have interfered with the loads in reference to the ship's donkey while in use.

Q. I'm asking why it wasn't quite possible to have discharged from the main hatch into shore boats on the port side of the "Celtic Chief."

A. Why, you never discharge from the port side.

Q. There would have. There was no more reason for using the starboard side so far as the possibility of discharging cargo is concerned than the port side?

A. No.

Q. They could have discharged on either side?

A. Yes.

Q. Quite well? A. I think so.

Q. And yet these shore boats went around on the starboard side and took cargo on that side?

A. Yes, because the rigging was already on the starboard side; it was all rigged on that side and it

(Testimony of George E. Piltz.)

would have required a change of the rigging. That's the reason.

Q. When did the Inter-Island begin to take cargo off the "Celtic Chief"?

A. About eleven o'clock on Tuesday.

Q. Eleven o'clock Tuesday. In the daytime or at night? A. Daytime, forenoon. [2222—1390]

Q. And the swell was running higher at that time, was it not, that on Wednesday?

A. Trifle, yes, sir.

Q. And yet the Inter-Island rigged its appliances in such a way that the shore boats, in order to use this appliance, would have to come up on the starboard side where the swell was striking the "Celtic Chief"; is that right? A. Yes.

Q. Although the swell was not striking the "Celtic Chief" on the port side? A. Yes.

Q. Now, let us be clear about this. The shore boats were taking cargo from the after hatch on the port side of the "Celtic Chief." Is that correct?

A. Yes.

Q. And it was only from the main hatch that they were taking cargo on the starboard side?

A. Yes, sir.

Q. And the reason why the barge was able to, why you could use the barge as well as you did, was because it was on the sheltered side of the "Celtic Chief"? A. Yes.

Q. Namely, the port side?

A. Namely, the port side and there was less swell.  
Recess.

Q. Boats from the "Mikahala" taking cargo to

(Testimony of George E. Piltz.)

the "Mikahala" from the "Celtic Chief" could have gone out around the "Arcona" and around the "Helene" and "Likelike" and come off on the port side without any difficulty, couldn't they?

A. I don't understand that question.

Q. These here boats of the "Mikahala" could have rowed around the "Arcona," "Helene," and "Likelike" and come in on the port side of the "Celtic Chief," couldn't they?

A. I should say they could. [2223—1391]

Q. How many shore boats were used on the "Mikahala"?

A. Three. There was three boats from the "Mikahala."

Q. And how many from the "Helene"?

A. Three.

Q. Any from the "Likelike"? A. No.

Q. Six boats altogether? A. Yes.

Q. It would have been quite possible to have loaded cargo at the "Likelike," would it not?

A. Sir?

Q. The "Likelike" could have taken cargo from the "Celtic Chief," could it not?

A. I am unable to state if she could have taken cargo or not.

Q. You don't know? A. No.

Q. The "Helene" could have received cargo, received all of the cargo, could it not, that was taken from the "Celtic Chief"? A. No, sir.

Q. Couldn't it have taken all of the cargo that was handled by those six boats? A. No, sir.

Q. Why not?



(Testimony of George E. Piltz.)

A. I was made to understand that she already had cargo in.

Q. The "Helene" had so much cargo that she couldn't take any more?

A. She had and she wasn't there when we started in to take cargo out.

Q. Do you remember when the "Helene" put her line, or took the "Mauna Kea's" line?

A. I don't exactly remember the time.

Q. Early Tuesday morning, wasn't it?

A. Tuesday morning before noon.

Q. And you began to take cargo from the "Celtic Chief" Tuesday, about eleven o'clock?

A. Eleven o'clock.

Q. So that the "Helene" was there when you began to take cargo from the "Celtic Chief"?

A. Yes, sir, she was about there about that time.

Q. Had she already taken the "Mauna Kea's" line and made fast? [2224—1392]

A. I don't remember now.

Q. So far as you know she was?

A. Well, I don't remember. I can't say if she was there or not.

Q. Well, then, when you said a few moments ago that one of the reasons why the "Helene" couldn't have taken all of the cargo that was taken out of the "Celtic Chief" by the Inter-Island Company was because the "Helene" wasn't there yet, that reason you now wish to take back, is that so?

A. Well, she didn't give us any help. I remember now she didn't give us any help on the forenoon of Tuesday.

Q. She could have, though, couldn't she?

(Testimony of George E. Piltz.)

A. I don't know if she could or could not, now. I don't remember.

Q. Now, then, direct yourself to the question that I just asked you then. When you said a few moments ago that the reason why the "Helene" could not have taken all of the cargo taken out by the Inter-Island Company was because she wasn't there, you wish now to take back. Is that so? That was not the reason, in other words, why the "Helene" didn't take all of the cargo?

A. One of the reasons.

Q. But if she was there she could have taken cargo, couldn't she, as far as you know?

A. Well, she could have taken cargo but we wasn't rigged on that side of the ship. We worked on the starboard side of the ship because it was the nearest to the "Mikahala" and we undertook to put the cargo on the "Mikahala" and the "Mikahala" was empty.

Q. The boats that went to the "Helene," how did they get to the "Helene" from the "Celtic Chief"?

A. They went from the stern of the "Celtic Chief" from the port side of the "Celtic Chief." [2225—1393]

Q. Underneath the lines?

A. Underneath the "Helene's" own line at times.

Q. And underneath the "Mikahala's" lines?

A. Yes, I think they went under the lines. I don't remember. I did not observe how the boats had the lines, but I knew that they went to the starboard side of the "Helene."

Q. Well, did they go out around the "Likelike" or did they go right directly across to the "Helene"?

(Testimony of George E. Piltz.)

A. They went directly in between the two vessels.

Q. They did not go out around the "Likelike"?

A. No, sir.

Q. So these same boats, had they wished to do so, could have underneath the "Likelike's" line and the "Helene's" line just astern of the "Celtic Chief" and then cut across to the "Mikahala" also, could they not? A. They could have done it under difficulty.

Q. What was the difficulty?

A. The sea and the water from the propellers and so forth.

Q. Would they have had any more difficulty from the propellers than the "Helene's" boats had?

A. They are the boats I have reference to.

Q. Well, the "Helene's" boats would have had no more difficulty in going over to the "Mikahala" from the backwash than they had?

A. They would stem the force of the water more. They had it more ahead instead of broadside and stand the chance of going under the counter of the "Celtic Chief" and breaking an oar and so forth.

Q. But they went underneath at times both the "Likelike's" line and the "Helene's" line?

A. They did not go under the "Helene's" line.

Q. They would go on the port side of the "Helene" [2226—1394] A. No, sir.

Q. But they did go under the "Likelike's" line?

A. They might be under the line at all times because the "Likelike's" lines were fast to the chock right over the hatches.

Q. Now, the "Mikahala" and the "Helene" were both of them lying sufficient distance, were they not, so that they could go out considerable distance under

(Testimony of George E. Piltz.)

the stern of the "Celtic Chief" and yet clear those two? A. Yes, they come up again together.

Q. Without any difficulty? Can't you answer that?

A. Well, it's—they could have gone under there but there'd be more risk and it would be more difficult than it would be pulling around inside of Honolulu Harbor.

Q. All right. They could have gone around the "Helene," could they not, and then straight across to the "Mikahala"?

A. Around the "Helene's" bow?

Q. Yes. A. Yes, they could have done that.

Q. Without much sacrifice in the way of time, couldn't they? A. No, sir.

Q. Why not?

A. The distance would be three or four times as great.

Q. Three or four times as great?

A. To my estimation?

Q. Now, let's see about that. The "Helene" had about anywhere from six hundred to six hundred and fifty feet of hawser between her and the "Celtic Chief," didn't she? A. About that.

Q. It was nearer six hundred feet than it was six hundred and fifty in view of the fact that it was the broken hawser of the "Mauna Kea"?

A. Well, it was about 650.

Q. 650, even though it was the broken hawser of the "Mauna [2227—1395] Kea"? A. Yes.

Q. All right. There's 650 feet then. Now, what's the length of the "Helene"? A. I don't know.

(Testimony of George E. Piltz.)

Q. What? A. I don't know.

Q. About how much?

A. It's longer than the "Mikahala" and that's over 150.

Q. So, then, that would be 850 altogether, and from the "Helene" to the "Arcona" was about?

A. 170.

Q. And from the "Arcona" to the "Mikahala" was about how far? A. 150.

Q. So that would be a little over 300 feet?

A. Not allowing for the width of the "Arcona."

Q. How much is the width of the "Arcona"?

A. About 50 or 60 feet.

Q. A little less than a hundred feet they would have gone? A. About that.

Q. The "Arcona's" lines would have presented no difficulty, would they, to these boats coming across?

A. The "Arcona"?

Q. Yes, the "Arcona's" lines wouldn't have caused trouble because they were hanging slack down in the water?

A. Well, it would be a kind of foolish undertaking to go over the lines knowing that they were under there.

Q. They could have gone back of the "Arcona," the propeller not being in action?

A. They could have gone around the bow.

Q. They could have gone underneath the "Arcona's" lines the propeller not being in motion?

A. The "Arcona's" lines were directly in the water both ways, turning from the "Helene" and "Likelike" and they were close to the steamer's side,



(Testimony of George E. Piltz.)

and it would be foolish for the men to direct their boats to go under the "Arcona's" lines.

Q. I see. Well, then, the simplest way for them to have [2228—1396] gone, if they wished to reach the "Mikahala," would be underneath the "Helene's" line near the "Celtic Chief," in view of the fact that the "Helene's" line would be out of the water? She was pulling all the time?

A. Yes, that would have been the best and surest way.

Q. And they wouldn't have had difficulty in doing so in view of the fact that the "Helene's" line was out of the water pretty much?

A. Well, there would always be that certain amount of difficulty of being carried back under the port counter of the "Celtic Chief" from the force of the water from the "Helene." There would still be that force of water around them even if they went under the line. You are trying to get me to say the boats weren't doing anything, they were in no risk of damage. Just go ahead as far as you like and you find out that everything that was done there was practical.

Q. Now, having told us that everything was done in the best manner possible by the Inter-Island Steam Navigation Co. and the worst manner possible by the "Arcona," let us see just exactly what these shore boats could have done. Suppose that you were desirous of carrying freight by these shore boats from the "Celtic Chief's" port side to the "Mikahala," how would you have done it?

A. Why, I'd have done it the way that we did it. Take it back to the "Mikahala." Wouldn't have

(Testimony of George E. Piltz.)

gone under any of my lines.

Q. How would you have *direct* those shore boats, if you had wished to take them with cargo out to the port side?

A. Since there was a way to go by the port side I would use it.

Q. How would you have directed those shore boats to go if you had desired them to go from the port side?

A. I answered the question. I would never have desired to [2229—1397] go that way.

Q. I assume that you do desire to and ask you how you would have directed them to go if you so desired?

A. I guess I would have gone around the nearest way there.

Q. Which would have been what way?

A. Make a kind of square around outside of the "Arcona," outside the "Likelike," and the "Helene."

Q. "Helene," "Arcona," and "Likelike"? In other words, the boats that went to the "Helene" which did not go to the "Likelike." But if you were taking cargo to the "Mikahala," you would have gone even outside of the "Likelike"? A. Yes.

Q. Even though you didn't direct the "Helene's" boats to go outside of the "Mikahala"?

A. No, sir. It was not done that evening and I would not direct it.

Q. Now, the "Helene" boat at no time were thrown back under the counter by the backwash or the swell?

A. Well, they were thrown back several times but no special time that they had any particular damage.

(Testimony of George E. Piltz.)

Q. And they had to go practically astern of the "Celtic Chief" to get out to the "Helene"?

A. Yes.

Q. Between the "Likelike's" line and the "Helene's" line?

A. Somewheres in that neighborhood.

Q. And the water that was surging back, thrown back by the propellers of the "Likelike" and the "Helene" was directly in the way of these boats going out to the "Helene," wasn't it? A. Yes.

Q. Now, the "Arcona" wasn't turning its propeller, and, therefore, there was no backwash from it?

A. No.

Q. A boat passing underneath the line of the "Helene" would practically have had no greater current from this backwash to encounter than the "Helene's" boats or would it? [2230—1398]

A. No, there wouldn't be any more force but there'd be more risk because you had the boat in a different position, you'd have the water broadside.

Q. Do you mean to say that those boats couldn't have gone practically diagonally across under that line? Was it necessary for them to go at right angles?

A. No, diagonally as you say, but they'd have the water more on the side.

Q. And wasn't that backwash more than counteracted by the swell that was running?

A. The swell and the force of the water were increasing the danger instead of lessening it.

Q. Now, then, as a matter of fact, considering the diagram which you drew here, isn't it the fact, Cap-

(Testimony of George E. Piltz.)

tain Piltz, that in order to have gone underneath the "Helene's" line they would have gone directly into the swell, not broadside, but directly into the swell?

A. Yes.

Q. Wouldn't that be the safest way for that boat to navigate? A. Sure!

Q. Then in going under the "Helene's" line it would, as a matter of fact, not be getting the water broadside on the boat but it would be going right into the swell in the safest and most practically way; isn't that so?

A. Still it would be going further under the counter. You see the force of the water hurt these shore boats more than you would think if you were further away from the ship.

Q. But didn't you say that the backwash from the towing steamers didn't interfere particularly with the shore boats? A. Not particularly; no.

Q. Didn't you say that the swell was of considerable greater force than the backwash?

A. Let me see if I did say that.

Q. Well, isn't it so?

A. Well, nearest to the vessel I noticed there was more force to the wave and sea than there [2231—1399] away from the vessel.

Q. Now, then, isn't it true, according to your diagram, that in taking the cargo from the port side of the "Celtic Chief" all of those boats had to go directly under the "Likelike" line in exactly the same way that they would have had to go under the "Helene's" line in order to go to the "Mikahala"? Look at your diagram and see if that isn't so.

(Testimony of George E. Piltz.)

A. What is the question?

(Question read.)

Q. Look at the diagram and satisfy yourself on that point.

A. In so doing, why then, they would have to cross the "Mikahala's" towline also.

Q. Why?

A. To get to the working side of the "Mikahala," which was on the port side.

Q. Why not the starboard side?

A. Well, because the starboard side is mostly used—all working apparatus of the "Mikahala" is used on the port side.

Q. Isn't it a comparatively simple thing to transfer this around to the other side?      A. Yes.

Q. So that if it had been deemed advisable to use your shore boats of the "Mikahala" on the port side of the "Celtic Chief," you could, in a very simple manner, have arranged to take cargo aboard on the starboard side of the "Mikahala" and they would have trouble at all to cross the line or lines of the "Mikahala"?

A. Yes, but the boats would be in the way of the big boat, "Intrepid" when she was towing. That's why the gear was rigged up on the port side, because the "Intrepid" was close to the "Mikahala's" starboard side.

Q. Now, as a matter of fact, the "Intrepid" was cut loose about noon, wasn't it, or a little before, on Wednesday?      A. Yes, I think so.

Q. Just shortly after you started to take cargo on the "Mikahala"? [2232—1400]      A. Yes.



(Testimony of George E. Piltz.)

Q. Now, as a matter of fact, you didn't think of changing your plan even after the "Intrepid" got out of the way? A. No, sir.

Q. You kept right on taking cargo from the star-board side of the "Celtic Chief" as before?

A. Yes.

Q. And you did that all Wednesday night? All of Wednesday night?

A. Yes, up to eleven o'clock.

Q. Even though it would have been feasible to have worked those shore boats from the port side of the "Celtic Chief"?

A. Well, by working the port side of the "Celtic Chief," with the conditions that existed, it would have been like fooling work instead of—well, I don't know what to use. It would have been a matter of making believe at work and not doing work.

Q. Even though you could have gotten your hawsers there practically as well?

A. To my point of view, you couldn't have got them over there as well, not with the conditions of rigging and lines and force of the water that existed that night. I don't think it would have been practical or policy or good judgment to use the port side.

Q. Do you know when the "Likelike" came out there?

A. Somewheres about noon. A little after eleven or somewheres around noon.

Q. What day?

A. On Wednesday, I believe. I'm not sure now.

Q. What boats were out there when the "Mikahala" first came out? "Mauna Kea" and "In-

(Testimony of George E. Piltz.)

trepid," any others?      A. Not pulling on her.

Q. That's all. That was on Monday, wasn't it?

A. Yes, sir.

Q. Now, on Tuesday at the time that the "Mikahala" began to take cargo from the "Celtic Chief," what boats were out there? [2233—1401]

A. Well, I don't remember if the "Helene" was fastening up before the "Intrepid" was fast.

Q. The "Intrepid" was fast. Was the "Likelike" out there yet?      A. No, sir.

Q. It was not. When did the "Likelike" come out? Did you say noon on Tuesday?

A. Noon on Wednesday.

Q. On Wednesday. Before the "Helene" made fast taking the position of the "Mauna Kea"?

A. Before.

Q. The "Helene"?      A. Yes.

Q. On Tuesday morning?      A. Yes.

Q. Now, isn't it a fact that the "Helene" came out there and took the position within a very short time after the "Mauna Kea" broke her line?

A. Yes, sir.

Q. How long after?

A. I couldn't say; I don't remember. I can't remember.

Q. You don't remember at all? You don't remember at all?      A. No.

Q. What?      A. No, sir.

Q. Now, don't you know that the "Mauna Kea" parted her line early Tuesday morning?

A. Yes, sir.

Q. And it wasn't long after that before the

(Testimony of George E. Piltz.)

“Helene” was out there and in position?

A. I don’t remember now if it was right after or not.

Q. When did you first go aboard the “Celtic Chief” to make arrangements to discharge cargo with the Inter-Island shore boats?

A. Somewheres around eleven o’clock.

Q. About eleven o’clock that you first made arrangements to do so. When did you actually start in to discharge cargo?

A. Immediately after eleven o’clock.

Q. Now, as a matter of fact, the “Mikahala” could have taken all of the cargo that was taken out of the “Celtic Chief” both by the “Helene” and the “Mikahala,” couldn’t she?

A. How is that question again? [2234—1402]

Q. The “Mikahala” could have taken all of the cargo, could she not, that was put aboard the “Mikahala” and the “Helene,” from the “Celtic Chief”?

A. No, sir.

Q. Why not?

A. Well, because the “Mikahala” was down to her draught of water.

Q. With the cargo that she had aboard?

A. The cargo that we had, and we figured out that it would be practicable to put, to keep the two gangs going from the “Celtic Chief” to divide the work of receiving.

Q. When did you first begin to put cargo on board the “Helene” from the “Celtic Chief”?

A. Oh, it was in the afternoon on Tuesday; I don’t remember the time exactly.

(Testimony of George E. Piltz.)

Q. Afternoon on Tuesday?

A. Afternoon on Tuesday.

Q. Did you leave the "Celtic Chief" on Tuesday night at all?

A. I don't remember, but when the work stopped Wednesday at two o'clock, I went aboard the "Mikahala." I left the men. We worked all evening up to two o'clock.

Q. I think you said that these two red lights were rigged prior to high water on Tuesday night?

A. Wednesday night.

Q. Tuesday night also?

A. Well, I wouldn't swear to Tuesday, Tuesday night.

Q. Didn't all the boats pull on Tuesday night at high water? A. Yes.

Q. They did. Now, did you go aboard the "Mikahala" just as you did on Wednesday night to take charge of matters during the high water period while they were making their big pull?

A. Yes, I was aboard.

Q. You did? A. Yes.

Q. And you did practically the same thing on Tuesday night that you did on Wednesday night, stationing your men around there to watch the lines?

A. No, sir. [2235—1403]

Q. Why not?

A. I don't know. I didn't give any orders to do so, that's why.

Q. Well, was anybody else performing those duties that night on the "Mikahala"?

A. Not to my knowledge.

(Testimony of George E. Piltz.)

Q. Who was the captain of the "Mikahala" at that time? A. Captain Tullock.

Q. Was he captain and in charge of matters on the "Mikahala" on Tuesday night? A. Yes.

Q. He was. Captain Tullock was looking out for those matters that night, was he not?

A. Well, I wouldn't say yes or no.

Q. You expected, all parties expected that the boat might come off on Tuesday night at high water, did they not, otherwise they wouldn't have made a big pull?

A. I don't know about the other parties, but I, independent of them, thought she wouldn't come off myself.

Q. You believed that she would not?

(Witness shakes his head to indicate "No.")

Q. How do you know that it was about eleven o'clock, eleven-thirty o'clock, when you left the "Celtic Chief" on Wednesday night? Half-past eleven o'clock? A. Because I looked at my time.

Q. What? A. Because I looked at my time.

Q. You had your watch with you, did you?

A. I think so.

Q. So you are sure that it was half-past eleven o'clock when you left the "Celtic Chief"?

A. Not exactly half-past eleven—eleven-twenty.

Q. And you are so sure that it was after twelve o'clock that the "Celtic Chief" came finally off the reef? A. Yes, sir.

Q. How much after twelve?

A. I don't know. About fifteen or twenty minutes.



(Testimony of George E. Piltz.)

Q. There is no dispute about that at all?

A. No, sir. [2236—1404]

Q. Could you see the "Helene's" lines and the "Mikahala's" lines and the "Likelike's" lines on Wednesday night after you came aboard the "Mikahala"?

A. No, sir.

Q. Didn't see them at all?

A. No, sir.

Q. So you don't know whether or not the "Likelike" and the "Helene" were pulling during the hour or forty minutes that you were aboard the "Mikahala"? After eleven-twenty or thirty o'clock on Wednesday night, you don't know at all. As far as you know they might have been doing nothing?

A. They wouldn't be out for that purpose, I don't think.

Q. But you think the "Arcona" was out there for the purpose of doing nothing?

A. In that position.

Q. You don't think the Inter-Island Steam Navigation Co. would put its vessels out there for the purpose of doing nothing?

A. Not at that moment.

Q. In other words, you have more confidence and more faith in the men of the Inter-Island than on the "Arcona"?

A. Yes.

Q. But that's the only reason you have for assuming that the "Helene" and "Likelike" were pulling?

A. Yes.

Q. You don't know from your own observation?

A. I didn't see. I wasn't there aboard of her.

Q. Why didn't you look at their lines during that period of time?

(Testimony of George E. Piltz.)

A. Didn't have any interest. I had enough to do to tend to my own business.

Q. You were not looking out at the lines?

A. Of the "Helene" and the "Likelike" or any other vessel but the "Mikahala."

Q. As far as any other vessels were concerned, you don't know what they were doing except the "Mikahala"? A. Yes.

Q. That was for thirty or forty minutes after you went off to the "Celtic Chief" on Wednesday night to make arrangements [2237—1405] about the cargo? A. Yes.

Q. If you had observed any of the lines you would have observed the lines of the "Mikahala," or the "Helene" and the "Likelike," wouldn't you?

A. Well, I don't know if I could have seen them from that distance.

Q. And the reason you came to the conclusion that the "Arcona" was not pulling was this, that when the "Celtic Chief" began to come the "Mikahala" immediately forged up abreast of the "Arcona" and then placed the "Arcona" astern of her?

Mr. WARREN.—I think, your Honor, that's about the third time I've heard that question. It's pretty nearly time we got through asking the same questions.

The COURT.—I'll allow the question.

Q. That is the reason? A. Yes.

Q. And you don't want to change your testimony on that point? A. I also noticed that she—

Q. Can you answer my question?

Mr. WARREN.—Let the witness answer the question.

(Testimony of George E. Piltz.)

The COURT.—I'm going to allow the witness to answer that question.

Mr. OLSON.—I withdraw the question.

Q. Now, then, Captain Piltz, I want an answer to my question, whether or not you, in anyway, desire to change your testimony in regard to the answer that you have just given.

Mr. WARREN.—Now, I submit that is wholly unintelligible to me and it certainly must be to the witness.

Mr. OLSON.—All right; I'll withdraw the question and go on to something else. Did you observe that the "Helene" changed her position at all from time to time, veering back and forward as she worked her propellers? A. No, sir, I didn't.

Q. You did not. Because you weren't watching her? [2238—1406]

A. I wasn't directly interested in her position, I think.

Q. So you didn't take any notice of it? A. No.

Q. And the same is true of the "Likelike"?

A. Well, I remember that the "Likelike" got closer to the "Helene" after she had been pulling some time and the length of it I don't remember.

Q. Well, did she veer further from the "Helene" again?

A. No, she remained in that position closer to the "Helene."

Q. When the "Celtic Chief" came off, will you state whether or not the "Celtic Chief," according to your observation, came straight off of the reef as she lay on the reef in the line that she lay on the reef

(Testimony of George E. Piltz.)

Q. Or did she make a curve at the start?

A. She came straight off.

Q. She came directly straight off? A. Yes.

Q. And headed directly at the "Arcona"?

A. Yes.

Q. That's correct, is it? A. Yes.

Q. So that the "Arcona" was directly astern of the "Celtic Chief"?

A. Yes, sir, about directly astern.

Q. If she hadn't been directly astern the "Celtic Chief" would have gone on the starboard side of the "Arcona," wouldn't she? A. Yes.

Q. But, as a matter of fact, you observed that she headed directly for the "Arcona"? A. Yes.

Q. Going straight off of the reef? A. Yes, sir.

Q. Now, how do you know that she came within ten or twenty feet of the "Arcona"?

A. Well, that was only a judg—only a guess from where I stood on the after part of the "Mikahala's" deck.

Q. Now, you couldn't tell very well from that point just what [2239—1407] the distance was? Don't you know that by the time that the "Celtic Chief" approached the nearest that you observed to the "Arcona," that the "Arcona" was, by that time, was under steam and started out to sea?

A. I don't know.

Q. You don't know when she got under steam?

A. I don't know when she got under steam, but I know she was pretty close when she finally started.

Q. But, as a matter of fact, you don't know whether the "Celtic Chief" actually would have

(Testimony of George E. Piltz.)

rammed the "Arcona" or not, even if the "Mikahala" hadn't pulled the "Celtic Chief" off to the side, for the reason that you don't know when the "Arcona" actually got under steam?

A. Well, from where I stood, I expected a crash any time.

Q. But it didn't happen?

A. It didn't happen though.

Q. And you don't know if it would have happened even though the "Mikahala" hadn't taken the "Celtic Chief" off to the side?

A. In the position she *lied* when she came off the collision would have happened if she hadn't continued pulling.

Q. And isn't it also true that the "Arcona" had gotten under steam? A. Yes.

Q. And you really couldn't say that the "Arcona" would have not been able to get out of the road under her own steam even though the "Mikahala" hadn't pulled the "Celtic Chief" off to the side?

A. I don't understand that question as it's asked.

Q. Don't you understand me when I say, And as far as you know, the "Arcona" might have gotten out of the road even though the "Mikahala" hadn't pulled the "Celtic Chief" off to the side?

A. She might have gotten out of the road?

Q. Yes, under her own steam as far as you know.

A. Sure, she might have got out.

Q. So that when you said on direct that if you hadn't pulled the "Mikahala," hadn't pulled the "Celtic Chief" out of the road, the "Celtic Chief" and the "Arcona" would have collided, you [2240—



(Testimony of George E. Piltz.)

1408] were merely stating what might have happened as far as you observed, but not actually what would have happened?

A. Well, that's what actually would have happened if the "Celtic Chief" hadn't got out of the way at the time she did and we hadn't pulled it aside.

Q. And if the "Arcona" hadn't gotten herself under steam? A. If she hadn't got out of the way.

Q. As far as you know, I say, the "Arcona" would have got out of the way in time?

A. She would have and she did finally.

Q. Now, do you understand that I asked you this, that even if the "Mikahala" had not pulled the "Celtic Chief" out of the road, it may be, as far as you know, that the "Arcona" got under way quickly enough to get out of the way of the "Celtic Chief"?

A. What I say that night, that if the "Mikahala" hadn't pulled her away, why, she would have collided.

Q. But you don't know when the "Arcona" got under steam? A. No, sir.

Q. So that you must necessarily, must you not, assume that the "Arcona" hadn't got under way in time to get out of the road, which is something that you don't know anything about; isn't that right?

A. I know she didn't start to go, to move away until the gap was very small between the two vessels.

Q. And you don't know, do you, what time that was? A. I don't know the exact time.

Q. Whether or not, if the "Celtic Chief" had gone directly toward the "Arcona" there would have actually been a collision, you don't know, do you?

A. Well, I do know, and I said before, that they

(Testimony of George E. Piltz.)

would have collided.

Q. If the "Arcona" had not gotten under steam?

A. If—yes.

Mr. WARREN.—Now, I object to that; that's the third time that [2241—1409] he's asked that question.

The COURT.—I will allow the question.

Q. I'll put it this way, in order that you may understand exactly what I want to know, Captain Piltz. I'll ask you the question this way: Not knowing, as you say, just when the "Arcona" got under way, you cannot state, can you, that the "Celtic Chief" would have collided with the "Arcona," even if the "Mikahala" hadn't drawn her off to the side? A. I think I've *answer* that question.

Q. Well, can't you answer it now so we'll know?

A. I answered it from what I saw they would have collided.

Q. Did you state that you did know when the "Arcona" got under way? A. No, sir.

Q. And, therefore, you couldn't know if the "*Celtic Chief*" would have collided with the "*Celtic Chief*," if you don't know when the "Celtic Chief," the "Arcona," got out of the way. You couldn't know if the "Celtic Chief" would have collided with the "Arcona" because the "Arcona" might have got out of the way, as far as you know? Now, is that true?

A. Yes, she might have got out of the way in time. I think that's the same question answered twice.

The COURT.—Pardon me, Mr. Olson, I'd like to ask a question to make something clear in my own mind with reference to the time that you say the boats,

(Testimony of George E. Piltz.)

the "Arcona" and the "Celtic Chief," were within ten or twenty feet of each other. That is, with reference to that time when did the "Mikahala" begin to pull the "Arcona" out of the way.

Mr. OLSON.—The "Celtic Chief."

The COURT.—With reference to that time, when did she begin to pull on the "Celtic Chief" to get her out of the way of the "Arcona," that's what I mean. That is, this pull which you say avoided the collision?

A. Oh, it was about twelve o'clock already. It was about twelve o'clock, that is, when we [2242—1410] started to pull. I mean—let's see. That's a mistake. It was about twelve-thirty we started to pull her away because she floated a little after twelve.

Q. That is the special pull which—

A. The special pull.

Q. Which avoided the collision.

A. We altered our position at right angles to the "Celtic Chief."

Q. Now, with reference to the time when this distance was shortest, ten or twenty feet, how long before that time was this special pull made, the special pull to get the vessel away from the cruiser?

A. About five or ten minutes.

The COURT.—That's all.

Mr. OLSON.—Between the time—how long did it take the "Celtic Chief" from the time that she actually slipped off the reef into deep water to get up near to the "Arcona," as you have described?

A. It didn't take very long, I know. Three or four minutes.

Q. And by that time you were out at right angles,

(Testimony of George E. Piltz.)

were you, to the "Arcona" and the "Celtic Chief"?

A. Well, we was changing our position all the time.

Q. How long did it take you to get up your anchor?

A. We didn't get our anchor up?

Q. You did not. What happened to it?

A. We lost it.

Q. When?

A. In heaving on it a little after I got aboard the "Mikahala."

Q. Oh, you had lost your anchor then before the "Celtic Chief" came off? A. Yes, sir.

Q. How long before?

A. About a quarter to twelve when we lost the anchor.

Q. And she came off about twenty minutes to twelve? A. Yes.

Q. So that you were pulling without any anchor down to the [2243—1411] last thirty-five minutes?

A. Something like that.

Q. Perhaps a little more?

A. Well, not pulling on the anchor. The strain on the lines is what parted the anchor-chain.

Q. It was the anchor-chain that broke was it?

A. Yes, five fathoms; five or six fathoms from the anchor.

Q. Did you recover that anchor? A. No, sir.

Q. How did you get your lines loose from the "Celtic Chief"?

A. They were—I believe they were cut from the "Celtic Chief."

Q. Don't you know that they were cut?

A. They were cut; after we got the lines aboard I

(Testimony of George E. Piltz.)

examined the ends and it showed they had been cut.

Q. Both of them?      A. Both of them.

Q. *I* was clear that they had been cut?

A. They had been cut.

Q. Both of them?

A. Both lines were lashed together and the two were cut together.

Q. I see. Did you lose any of your shore boats?

A. No, sir.

Q. And was there any men on these boats that was permanently injured or injured seriously?

A. No, sir.

Q. Nobody was hurt?

A. Nobody was hurt that I remember.

Q. And none of the shore boats were damaged.

A. Not any more than the regular wear and tear of the boats in use.

Q. That's all?      A. Yes.

Q. There was nothing that you could put your fingers on and say that was damaged out to the "Celtic Chief" operations?

A. No, sir. We lost a couple of oars and broke them in pieces, but that's usual.

Q. But you often break oars, don't you?

A. Yes, sir. [2244—1412]

Q. Now, you've spoken of the Miller Salvage Co. tackle on board the "Celtic Chief." Where was it lashed? Aft on the "Celtic Chief"? Where were those tackles lashed? Fast on the main deck?

A. On the main deck, yes.

Q. They were not up on the—how high up on the main deck, would you say?



(Testimony of George E. Piltz.)

A. Well, the line went over the starboard quarter or stern chock of the "Celtic Chief," leading along on the starboard side, forward.

Q. Yes, I know, but how high was the lashing from the floor of the deck?     A. The blocks were lashed.

Q. Yes, but the lashing. Where was it lashed, fast?     A. Lashed to the bitts on the main deck.

Q. And how high are those bitts from the floor of the main deck?

Mr. WARREN.—Is this forward or aft?

Mr. OLSON.—Aft.

A. Aft.

Q. Did you observe how those blocks were fast aft?

A. They were not made fast aft; they were made fast forward.

Q. They were not made fast at all to anything?

A. Not aft. They were leading in through the stern, starboard chock.

Q. Now, how were they lashed forward?

A. They were lashed to the bitts on the main deck forward.

Q. How high were those bitts from the floor of the main deck?     A. I don't know how high.

Q. How high would you say?

A. Six or ten inches.

Q. So that the tackle was lying flat on the deck?

A. The blocks.

Q. Even though there had been a hard strain on those blocks, those blocks on the forward end could not have been raised up on the deck, could they?

A. No.

(Testimony of George E. Piltz.)

Q. Now then, where were they rigged or how were they rigged aft?

A. Well, they were shackled [2245—1413] on to the wire, I don't know if it was wire or rope that lead in, but the blocks were shackled to it.

Q. Now, the line from the Miller Salvage Co. passed through the blocks where?

A. Passed over the stern.

Q. Through a chock? A. A stern chock.

Q. Now, what was the height of that above the main deck?

A. I don't know what the height from the main deck is.

Q. The poop deck?

A. Poop deck, about eight or ten feet.

Q. So that the line at the break of the poop was at least height of the poop deck? A. Yes, sir.

Q. And it was below that that it was fastened, shackled to the main tackle block, the main block? Now, how high above the deck was that main block where it was fastened to this line?

A. How high was it?

Q. How high was the block above the deck there.

Mr. WARREN.—With the line taut?

Mr. OLSON.—At any time.

A. I never observed it any higher than just my breast here.

Q. Now, how far from the break of the poop was that block?

A. Oh, about twenty-five feet or thirty feet.

Q. Twenty-five or thirty feet. Now, stand up,

(Testimony of George E. Piltz.)

please, and be measured. I want to see your chest, how high it is.

(Witness stands up.)

Mr. OLSON.—I want the Clerk to measure the witness.

(Clerk measures the witness.)

The CLERK.—Four and a half.

Mr. OLSON.—Let the record, if the Court please, show that the measurement that the witness indicates is four and a half feet.

The COURT.—Yes.

Q. Now, that was the highest that you saw that block off [2246—1414] the deck, was it?

A. Yes.

Q. Now, as a matter of fact, Captain, if the tackle was lashed flat down on the deck just a few inches above the deck forward and it kept in a straight line exactly from that point up to the point where the Miller Salvage Co.'s line went over, that block wouldn't be more than four and a half feet off the deck at the point where you say it was twenty-five or thirty feet from the break of the poop?

A. It may have been higher or may have been lower, I don't remember.

Q. Well, the mere fact that it was not over, as far as you observed, four and a half feet above the deck there, doesn't indicate, does it, that that tackle wasn't held in a taut position?

A. Well, I don't know, but it wasn't tight any time that I was abreast of the main hatch because I often had to step over these lines and they were not tight.

Q. Is that the only way you know that they were

(Testimony of George E. Piltz.)

not taut, because you were able to step over them?

A. I might have stepped on them and over them and they were, there was no strain on those lines.

Q. There was no strain on them at any time as far as you observed them?

A. Any time that I was there and had to step over them.

Q. And that would happen how often?

A. Well, I can't remember. I don't—I'm unable to state.

Q. Approximately. Was it so often that you can't remember or so few times? A. So often.

Q. Dozens of times during Wednesday night?

A. Something like that.

Q. Several dozens times? A. Yes.

Q. So that you are pretty sure that if there had at any time been a strain on that tackle, you would have observed it?

A. No, I don't say that. [2247—1415]

Q. Well, if you saw it several dozen times from darkness until eleven-thirty o'clock, you must have seen it at very short intervals; isn't that so?

A. Yes, but there is lots of times that I didn't go over.

Q. For how long a time?

A. Well, half an hour or so.

Q. But you were there across that tackle, were you not, right up to the time that you left the "Mikahala"? Is that right? A. Yes, sir.

Q. And at no time did it have a strain on it? Is that right?

A. I didn't notice; as I said before, I never noticed

(Testimony of George E. Piltz.)

any time that the line had any strain on it.

Q. You noticed that it didn't have any strain?

A. That's what I say. I noticed that it didn't have any strain.

Q. And that was so every time you went over it?

A. Yes.

Q. So that, according to your observation then, Captain, not only the "Arcona" did nothing, but the Miller Salvage Co. did nothing?

A. No, I don't claim anything like that.

Q. What?

A. I do not claim anything like that.

Q. As far as you observed?

Mr. WARREN.—I object to the question.

The COURT.—I think the question is proper.

Mr. WARREN.—I think that's got to be limited to some time.

Q. Then as far as you observed, the Miller Salvage Co. did nothing?

A. At any time I didn't notice they had that line taut. They may have had it tight during my absence.

Q. Just as the "Arcona," during your absence, might have had it's lines taut?

A. Sure! [2248—1416]

Q. But as far as you observed, the only agencies that served to get the "Celtic Chief" off of the reef, were the Inter-Island Steam Navigation Co. boats?

A. Yes, sir.

Mr. OLSON.—That's all. Was it as late as eleven o'clock or eleven-thirty that you last tested those tackles?

A. It was just before I was called to go aboard the



(Testimony of George E. Piltz.)

“Mikahala” and notified to go aboard the “Mikahala.”

Q. Just a minute or two before you had tested—

Mr. WARREN.—The witness hasn't said anything about testing.

The COURT.—I think that word “test” is not proper.

The WITNESS.—I did not answer the question.

Mr. OLSON.—That is, he didn't make a careful test; it was simply involuntarily. Does your Honor allow the question?

The COURT.—I allow it as qualified.

Q. Didn't you say that you not only walked over them but you also felt of them as you walked over them at various times?

A. Well, in walking over them like that, why, you don't take a test like that. I walked over them. I didn't take any notice if the oil was squeezing out of anything like that.

Q. That's what you regard as a test?

A. I walked over them. They were slack and there was no strain on them.

Q. All right. When was the last time that you walked over them and felt of them and found they were slack?

A. A few minutes before I was notified to go aboard of the “Mikahala.”

Q. And you went a little after that to the “Mikahala”? When you were notified? A. Yes.

Q. So that it must have been near eleven-thirty?

A. No, about eleven-fifteen.

Q. When the “Arcona” first came out there on

(Testimony of George E. Piltz.)

Wednesday, what was—what did it first do after having gotten into position?

A. Got into position the first time or the second time? [2249—1417]

Q. When it first came out there. It hardly would have gotten into position the second time when it first came out there.

A. She proceeded to run a line to the "Celtic Chief."

Q. Did you observe that line?

A. I saw the line being run. I don't remember what it was.

Q. You don't know whether it was a steel wire line?

A. No, sir.

Q. You don't know? A. Don't know.

Q. Don't know the character of it? A. No.

Q. Where were you at the time?

A. Aboard the "Mikahala."

Q. What were you doing?

A. I think I was,—I was attending the loading of the "Mikahala."

Q. Where was that?

A. I think forward or aft, but I was aft on the upper deck on the bridge when the "Arcona" ran the lines.

Q. When she got her line aboard, what were you doing? A. I was still on there.

Q. How long did you stay there.

A. I think I stayed aboard there for—I don't remember now.

Q. What were you doing up on the bridge?

A. I was up there with the Captain.

(Testimony of George E. Piltz.)

Q. Doing what?

A. Well, superintending, looking over things and talking matters over concerning the work.

Q. The "Arcona" got her wire line aboard the "Celtic Chief," did she?

Mr. WARREN.—I object to the question. He didn't say anything about wire.

Mr. OLSON.—Withdraw the question. The "Arcona" got her line fastened, did she, on the "Celtic Chief"? A. Yes, sir.

Q. Then, I think you said that she pulled for a minute or [2250—1418] more and finally the line parted. Is that right? A. Yes, sir.

Q. Now, it might have been somewhat considerably more than a minute, might it not? A. No, sir.

Q. You are sure of that?

A. Couldn't have been any more than two minutes.

Q. It might have been two minutes?

A. A minute or two, as I said previous.

Q. But it couldn't have been more than two minutes? A. No, sir.

Q. Have you any idea how much power she was obliged to exert in order to break that line?

A. No, sir.

Q. Have no idea. Now, what time was it that that line broke?

A. I don't remember what time she broke the line.

Q. You don't know. Well, let's have the best of your recollection? A. A little after eleven.

Q. It was a little after eleven o'clock?

A. That's my recollection.

Q. Well, had she her line fast before twelve o'clock?

(Testimony of George E. Piltz.)

A. Yes. Same line you have reference to?

Q. Yes.

A. I believe she did have it fast at twelve o'clock.

Q. At twelve o'clock. Now, do you remember what time it was when she got both lines that she finally used fast on the "Celtic Chief"?

A. About seven or seven-thirty in the evening.

Q. You are sure it wasn't as early as five o'clock in the evening? A. No, sir.

Q. Well, do you know?

A. They were not fast at five o'clock when I left the "Celtic Chief" to go aboard the "Mikahala" for supper or for dinner.

Q. They were not fast by that time. And what time did you [2251—1419] go aboard the "Mikahala" for supper? A. A little after five, I think.

Q. Now, immediately that you got on board the "Mikahala," what did you do? Went to supper, did you? A. Yes.

Q. Now, how long were you at supper?

A. About twenty minutes.

Q. How much? A. Twenty minutes.

Q. Now, what did you do when you got through with supper? A. Started the men to work again.

Q. Where? A. On the "Mikahala."

Q. What doing?

A. Sent them back to the "Celtic Chief."

Q. What did you do?

A. I remained aboard the "Mikahala" for a little while.

Q. What did you do there?

(Testimony of George E. Piltz.)

A. I believe I was in the after hole instructing the boatswain.

Q. You were down in the after hole?

A. I went down to the after hold to instruct the boatswain how much fertilizer to put in that part of the ship.

Q. How long were you there?

A. I don't remember.

Q. What did you do next?

A. Then I went aboard the "Celtic Chief."

Q. And what time did you go aboard the "Celtic Chief"?

A. About seven o'clock or half-past seven.

Q. By that time the lines were fast, were they?

A. Yes, about fast.

Q. Do you know whether or not they had been fast any time before that?

A. Well, they may have been fast but they wasn't fast very long before that.

Q. Well, how, do you know if you only went over there somewhere in the neighborhood of seven or half-past seven o'clock?

A. Because they were not fast at five o'clock.  
[2252—1420]

Q. But they might have been fast by the time that you had finished eating supper, mightn't they?

A. They may have had them fast; I don't doubt that.

Q. What?

A. When I observed and saw that their line was fast, it was about seven or seven-thirty.

Q. And when you said that the German cruiser



(Testimony of George E. Piltz.)

didn't get her lines fast until seven o'clock, you meant by that, did you, that that was the first that you observed that they made fast? A. Yes.

Q. They might have been made fast any time between the time you went to the "Mikahala" to go to supper and the time that you came back to the "Celtic Chief," as far as you know. A. Yes.

Q. Now, what was your work after you got aboard the "Celtic Chief" again, after supper Wednesday evening?

A. Well, superintending the different work that was being carried on the after hatch, the main hatch.

Q. You were busy practically all the time, weren't you, supervising the discharging of cargo into the Inter-Island shore boats? A. Yes, sir.

Q. Now, what did that require in the way of work on your part? What did you have to do?

A. Well, it was quite a responsible job.

Q. It was quite a responsible job, was it? You had to look after things pretty closely, didn't you?

A. Yes.

Q. And you were mainly concerned with looking after the discharging of cargo? A. Yes.

Q. You didn't have any time for anything else, in fact?

A. I looked out for our lines now and again occasionally when the boats would be absent from the ship's side.

Q. When was high water immediately prior to midnight of Wednesday [2253—1421] night? When was the high water preceding?

A. I don't remember.

(Testimony of George E. Piltz.)

Q. In the afternoon of Wednesday or about noon or morning time or when was it?

A. I don't remember what time it was now. High water large is an hour early the day before.

Q. When was high water large on Wednesday?

A. Somewheres around one o'clock. About one o'clock. I don't quite remember.

Q. So, as a matter of fact—

A. Twelve or one o'clock. I don't quite remember now.

Q. What do you mean by one o'clock? One o'clock when? A. In the morning.

Q. In the morning? A. On Thursday morning.

Q. Yes, but when was the high water prior to Thursday morning at one o'clock?

A. High water large would be an hour earlier. Say, if it was one o'clock on Thursday morning, it would be twelve o'clock midnight on Tuesday.

Q. About twelve o'clock on Tuesday night would be high water large? A. Yes.

Q. Now, then, what would be the condition six or seven hours later?

A. It would be low water. I think it was low water large.

Q. You mean that there was low tide at that time?

A. Low tide, I think. The lowest low tide is right after high water, high tide large.

Q. At any rate, it was a high tide at about six or seven o'clock on Tuesday morning, Wednesday morning? A. Wednesday morning.

Q. It was about that time that the "Mauna Kea" broke her line? A. No, sir.

(Testimony of George E. Piltz.)

Q. Well, what time was it that the "Mauna Kea" broke her line? A. Tuesday morning.

Q. Well, Tuesday morning about the same time would be low water, wouldn't it?

A. I don't remember the water. [2254—1422]

Q. Must have been low water, wasn't it, somewhere about that neighborhood? A. Yes.

Q. So that the "Mauna Kea" was making this big pull when she broke her line in low water?

A. I don't know. I never testified that she broke her line on a hard pull.

Q. I understand that, but she must have broke her line when it was comparatively low water?

A. Yes, but she broke her line once before that high water.

Q. When was that? A. Tuesday morning.

Q. You saw that, did you?

A. I heard the report.

Q. Do you know that the "Mauna Kea" broke her line of your own knowledge at that time?

A. From what I saw she ranged ahead and finally stopped then saw them heave the line in on her. I noticed that.

Q. That's the reason you think that she broke her line?

A. Well, I didn't think until I saw the line flapping in the water and I saw the water splash and so forth.

Q. Now, if it was low water, low tide, about six or seven o'clock on Tuesday morning, what would be the tide at noon of—no, six or seven o'clock Wednesday morning—then what would be the tide

(Testimony of George E. Piltz.)

about noon of Wednesday?

A. It would be high tide small.

Q. That is to say, it would be high tide but it wouldn't be as high as the morning high tide?

A. Yes, sir.

Q. Is that correct?      A. Yes.

Q. And by four or five or six o'clock, that evening, it would be low tide again?

A. Low tide, low tide large.

Q. Now, what was the "Mikahala" doing at noon time on Wednesday?

A. Pulling, I think, on the "Celtic Chief."

Q. Do you know at what speed she was going?

A. I won't swear to it, but I will say that she pulled at every high tide at full speed.

Q. But you don't know what she was doing at high tide on Wednesday, [2255—1423] high tide on Wednesday noon?

A. She was pulling full speed ahead.

Q. You know that of your own knowledge?

A. Yes, I know she was pulling.

Q. How do you know she was pulling full speed ahead?

A. I think when I came aboard for dinner that the captain notified me that she was pulling full speed.

Q. And that's the only reason that you know that is so because the captain told you so?

A. Yes, and I also felt the vibration of the vessel, the "Mikahala." I can generally tell when we're going at full speed and slow speed when I hear the noise and vibration.

(Testimony of George E. Piltz.)

Thursday, September 19, 1911.

Q. What was the direction that the "Intrepid" was pulling in while she had her line attached to the "Celtic Chief"?

A. The same as the "Mikahala," to eastward.

Q. Now, kindly answer my question, Captain. Now, Captain Piltz, I don't want an answer with reference to whether or not the "Intrepid" was pulling on the "Celtic Chief" toward the beach or away from the beach, but I want an answer as to the direction from the "Celtic Chief" that the "Intrepid" was pulling.

The COURT.—With reference to the "Celtic Chief" as I understand the question.

Q. Answer the question, Captain?

A. She's pulling in the south, southerly. How does that question go?

(Question read.)

A. She was pulling pretty near directly astern of the "Celtic Chief" in a southerly quarter. The head of the "Intrepid" was heading somewheres in the neighborhood of near south.

Q. But practically directly astern of the "Celtic Chief"?

A. Practically astern, a little to the eastward of south.

Q. Without reference to east, west, [2256—1424] south, or north, she was practically pulling dead astern of the "Celtic Chief"?

A. About a point on her starboard quarter.

Q. On the "Celtic Chief's" starboard quarter?

A. On the "Celtic Chief's" starboard quarter.



(Testimony of George E. Piltz.)

Q. And in what position with reference to the other towing vessels?

A. She was pulling, her position was between the "Mikahala" and the "Helene," namely, on the star-board side of the "Mikahala" and the port side of the "Helene." That "Helene" is a mistake; should be "Mauna Kea."

Q. And what was the position of the "Mauna Kea" pulling on the port quarter?

A. On the port quarter.

Q. And that was the position afterwards taken by the "Helene," was it not? A. Yes, sir.

Q. Also pulling on the port quarter; that's correct, is it? A. Yes, sir.

Mr. OLSON.—That concludes my cross-examination.

Cross-examination of GEO. PILTZ on Behalf of  
Miller S. Co.

Mr. WEAVER.—Q. Captain Piltz, you were born in Hawaii, weren't you?

A. No, sir; born on an island called Rotogna, an island in the ——— group.

Q. What nationality are you?

A. A South Sea Islander.

Q. And what education did you have before you went to sea? A. None whatever.

Q. Were you educated at sea? Did you study?

A. I studied pretty near all the time right along since I've been going to sea.

Q. Studied navigation? A. Yes, sir.

Q. Did you ever study physics?

A. What is that?

(Testimony of George E. Piltz.)

Q. Physics?

A. No, I don't think; I don't [2257—1425] understand the word.

Q. Then you don't know what the word means?

A. No, not exactly.

Q. Ever study about the strain on cables?

A. No, sir, only from experience as a mariner.

Q. Did you ever make any study of the pulling power of propellers as against the pulling power of lines on fixed points, like anchors? A. No, sir.

Q. Have you had any experience in that matter, the pulling power of propellers compared with the pulling power of pulleys on anchors?

A. Well, the only experience I have is in pulling, in pulling on ships and so forth, not to any experiments, tests, or working.

Q. What experience had you had, what observations have you made other than experience?

A. Well, I don't understand that question.

Q. What experience have you had? You said you made no experiments; what experience have you had to show the pulling power of propelling vessels as distinguished to pulling on pulleys and lines on anchors?

A. In regards to pulling and towing, pulling on the "Loch Garve" and the "Celtic Chief."

Q. You said in your direct examination that the "Celtic Chief" pounded Wednesday night. There was the feeling you had. When you say she was pounding on Wednesday night what was the sensation, if any?

A. Well, it wasn't a very pleasant sensation. We

(Testimony of George E. Piltz.)

were in fear of the vessel pounding to pieces and the yards and sprits pulling down caused by the pounding of the vessel.

Q. Well, what—did the sprits vibrate?

A. Considerably.

Q. Did the deck vibrate?

A. No. Well, just from the pounding. [2258—1426]

Q. That's what I'm speaking of.

A. Yes, sir. The vessel was rising up and down. She would go down with a thump.

Q. Could you feel it distinctly under you?

A. Yes, sir, absolutely.

Q. You say she was stirring; how was she stirring?

A. She'd start to go on her keel and then she'd roll as the saying is.

Q. From side to side?

A. From side to side. Sometimes the swell would come and take her stern up and she'd pound on her stern and with the same swell working along the—she, she'd grind.

Q. When you say grind what do you mean?

A. Grind as if the vessel was moving fore and aft. The meaning of the word "grinding," what I mean, the vessel would down pounding and sort of a kind of circular action.

Q. Could you hear the grinding?

A. Well, you could hear the thumping of the ship and rattling of the yards and masts and the stirring of ropes in the rigging.

Q. Well, then, there was an action from side to side as well as forward and back and that grinding?

(Testimony of George E. Piltz.)

A. Yes.

Q. When she swayed, how much of a part of a circle would she sway, if you can express it in that way? Do you know what I mean by that?

A. Well, I couldn't exactly explain that, but she would—her motion would be felt upon her keel and then she'd start to roll over to one side like the water would catch anything buoyant and bring her back again.

Q. She'd roll over on her port side, wouldn't she?

A. Mostly on her port side.

Q. Would she roll to the starboard side or come back only to the center?

A. I never noticed that she [2259—1427] ever pounded on her starboard side. There was always a lurch toward her port side then she would turn upright.

Q. When she lurched toward her port side, did you hear any other grinding, like grinding on the bilge?

A. I didn't stop to notice that she ground on the bilge considerably or to a certain extent. I knew she was grinding some. I couldn't say whether it was on her bilge or on her keel.

Q. Couldn't you notice anything when she went to the port side on that sway, different from any other?

A. As I say, I didn't stop to notice.

Q. All one sensation?

A. It was all of the same kind. You might say there was times it would be greater than others. That is, the thumping and swaying as the swell took the ship. The swells are not uniform and that's the

(Testimony of George E. Piltz.)

cause of the vessel not pounding or thumping regularly.

Q. A vessel moving that way would tend to go broadside toward her side?

A. In the position she was.

Q. Yes, the way she took the swell on her quarter and swaying that way?

A. The way she took the swell on her quarter and swaying that way, yes.

Q. From your observation, she was moving up and down, the stern more than in the bow?

A. Yes, sir, she was moving considerable astern and forward.

Q. What's the tendency of a vessel on a coral reef like that with regard to making a bed for herself when she's swaying toward the port side and going broadside on? A. May I hear the question again?

(Question read.)

A. Well, she would naturally kind of imbed herself with the loose coral that she would stir up caused from the water, forming generally on the seaward side of the vessel.

Q. Would that prevent her being pulled off by a strong [2260—1428] pull out to seaward?

A. It would be practically impossible to pull her off broadside.

Q. Would it make it more difficult to pull her off on a line directly astern of her keel if she's imbedded in that coral?

A. Well, if she's imbedded broadside, why, we would have to turn around, end-on.

Q. Broadside. But suppose she was, say, only



(Testimony of George E. Piltz.)

forty-five degrees to the line of the coral, then would it make it more difficult to get a line direct astern and pull her off while embedded in the coral that way than with some other direction?

A. Well, the idea, it would—I can't catch that question.

Q. Withdraw the question. If a vessel were forty-five degrees to the line of the coral instead of at right angles like the "Celtic Chief" was, and the coral had piled up on the port side, as you have described it, would it be more difficult to pull her off in that position than the position the "Celtic Chief" was in while you were pulling her there with the "Mikahala"?

A. Yes, it would be more difficult.

Q. Now, what would make it more difficult?

A. Well, you would have the force of the sea on the side of the vessel and also the bank on the offside and you would be unable to get a vessel or wreck in that angle because you'd be closer to the reef in manoeuvring and operating your tow boats or apparatus and so forth.

Q. Did you ever see any vessel in that position?

A. Well, I did not. I haven't seen any, but I was in one myself, master of the vessel, that was on, you might say, broadside to the reef or shore.

Q. What one was that?

A. That was the "Mikahala."

Q. Where? A. Off Kaimaloo reef.

Q. And what experience did you have there about this coral piling up?

A. Well, as soon as we grounded [2261—1429] I immediately proceeded to get her head or one end

(Testimony of George E. Piltz.)

of the ship pointed to sea by means of a kedge anchor.

Q. Did she go on to the reef with an angle that way and the coral pile up?

A. No, sir, I didn't give her a chance.

Q. What kind of an anchor did you put out?

A. Put out a small kedge anchor.

Q. How big was the anchor?

A. About two or three pounds.

Q. And what kind of an anchor did you put out?

A. Put out a small kedge anchor.

Q. How big was the anchor?

A. About two or three hundred pounds.

Q. And what kind of a cable did you have?

A. Oh, about four-inch line, manilla line.

Q. Was that sufficient to hold the boat?

A. With the vessel's power, own power.

Q. The vessels's own power and the line would hold it from going broadside on?

A. I pulled hard with that.

Q. She didn't have any tendency to go broadside on then?

A. No, sir, because we wasn't slow in manoeuvring or getting our anchors in position to get the vessel off.

Q. Did you have any other vessel assisting you?

A. No, sir.

Q. How far toward broadside on did she go?

A. Right broadside on.

Q. Broadside on?      A. Yes.

Q. What kind of a bottom was this?

A. I don't know. Coral or sand.

(Testimony of George E. Piltz.)

Q. And this kedge anchor and this cable was sufficient to pull her straight out and pull her to sea?

A. With the power of the vessel, yes.

Q. With the power of the vessel? Did you have any other experience? A. Not in vessels ashore.

[2262—1430]

Q. Now, what was the danger to the "Celtic Chief" by going broadside on?

A. Well, the danger would be of her pounding and knocking her bilge and the danger of being a total loss, the vessel going broadside on.

Q. Then what would happen to this cargo of fertilizer?

Mr. OLSON.—Object to the question on the ground that it doesn't appear that the witness is qualified to answer.

Mr. WEAVER.—Didn't you testify that this vessel was loaded with fertilizer? A. I believe I did.

Q. Do you know what fertilizer is?

A. I think I do.

Q. What is it?

A. It's used to fertilize soil; a sort of manure.

Q. Do you know what effect salt water has on it?

Mr. OLSON.—It doesn't appear that that is all that is necessary for the purpose of qualifying a witness.

I wish to ask the witness as to his qualifications on this point.

The COURT.—The objection is overruled at this time.

Q. Have you handled fertilizer in the course of Inter-Island trade, like this that you had there?

(Testimony of George E. Piltz.)

A. Well, we carry pretty near all sorts and all kinds, but I've never compared any fertilizer with this kind that was on the "Celtic Chief."

Q. Did you ever see this fertilizer wet out there?

A. Out to the "Celtic Chief"?

Q. Yes.

A. Well, I didn't see any in bags that we handled, but I saw considerable that was dumped on deck that got wet.

Q. What was the appearance of it when it got wet?

A. Well, it had a pretty sticky and—I don't know how to express it.

Q. Do you know what the character of it was after it was wet, [2263—1431] as before with the exception of being wet, or was there some difference in it?

A. Well, there had been considerable of it destroyed in this way.

Mr. OLSON.—I move to strike on the ground that's a conclusion of the witness.

The COURT.—We'll hear the answer.

Mr. OLSON.—I've got a motion before the Court.

The COURT.—The motion is denied at this time.

A. What I saw on deck was the fertilizer would be destroyed from being wet and washed away. There wouldn't be the same amount.

Q. So, if a bag fell overboard, why, it would wash away. The bag would wash out or the contents of the bag?

A. The contents would wash away and the bag or fertilizer would practically be spoiled.

Mr. OLSON.—Now, if the Court please, I move to strike on the ground the witness has testified that

(Testimony of George E. Piltz.)

the fertilizer would appear to be destroyed.

The COURT.—The motion is denied, but I'll state this, I'm not receiving this evidence as the evidence of an expert chemist.

Mr. WEAVER.—Have you handled fertilizer like this in other places in the Territory?

A. Well, I don't remember. I've handled practically all sorts of fertilizer.

Q. Have you had other fertilizer wet, that had a similar appearance? A. Yes, sir.

Q. When your vessel, this "Celtic Chief," should go on the bilges and break, would that let in the water as she was constructed.

Mr. OLSON.—What's that question?

Q. I say, if the bilges were broken in going broad-side on, would the water get into the hull?

A. Yes, sure.

Q. Would these bags as you saw them, prevent the water getting in the bags of fertilizer? [2264—1432]

A. The bottom bags would prevent the water getting to the top of the cargo, but it would only be a matter of time before the whole lot would be wet.

Mr. OLSON.—I move to strike on the ground that the witness is not qualified to answer.

The COURT.—The motion is overruled.

Q. Do you know how that cargo was stowed, how were the bags stowed?

A. They were—well, what I saw of the load was in between-deck and the upper part of the lower hole. The bags was laid flat one on top of the other.

Q. When did you first notice the two red lights on



(Testimony of George E. Piltz.)

the night of Wednesday on the "Celtic Chief"?

A. About ten o'clock.

Q. How much toward ten were they up?

A. Well, I can't remember exactly; it was somewhere in that neighborhood of ten o'clock.

Q. What were you doing then?

A. I was aboard the "Celtic Chief."

Q. And what were you doing aboard the "Celtic Chief"?

A. In charge of, superintending, rather, the discharging of the cargo out of the "Celtic Chief."

Q. And did you see the second light go up?

A. I didn't see when it went up but it was about ten o'clock when I noticed the lights were there.

Q. Are you sure it was ten o'clock?

A. Somewheres in that neighborhood.

Q. A little over two hours before the vessel came off? A. Yes.

Q. You were doing these other things, how did you come to notice the second light?

A. Well, in attending to the work and looking at the different, looking at the "Mikahala's" two line, why, I happened to be looking up about that time and I noticed the lights.

Q. Was the "Mikahala" pulling then?

A. Yes, sir. [2265—1433]

Q. Pulling full speed?

A. Yes, her lines were pretty taut.

Q. How do you know she was pulling full speed?

A. I didn't say that I know she was pulling full speed, but I know she was pulling because I know her lines were taut.

(Testimony of George E. Piltz.)

Q. Could you see her propeller?

A. No, sir, not the propeller.

Q. Could you see the propellers of the other vessels there, the "Helene" and the "Likelike"?

A. No, sir, but I could see the water turned from the propellers.

Q. At that time?      A. Yes.

Q. Where was the search-light of the "Arcona" and in what direction was that pointed when you noticed this?

A. There was the mast and rigging of the "Celtic Chief" and you looked from the "Celtic Chief" up to the "Helene" and "Likelike" and saw the turning of the propellers at various times whenever I'd go over to the rail on the port side. And on star-board side you could see the waters from the different ships.

Q. When you saw this second red light in the rigging, where was Captain Macaulay?

A. I don't know.

Q. Did you see him on deck?

A. I don't remember seeing him at that particular time.

Q. You know him, don't you?

A. Yes, sir, know him well.

Q. Do you know Captain Henry?

A. I know of him. I've never met him.

Q. Do you know him by sight? Did you see him on board?      A. Yes.

Q. Where was he at the time you saw this second red light?

A. I cannot state because I don't remember. I

(Testimony of George E. Piltz.)

know he was around and about the poop deck and the main deck at times.

Q. And this time?

A. Various times during the operation.

Q. While the second red light was up? [2266—  
1434] A. I don't remember.

Q. Was Captain Miller there at that time?

A. I don't know; I can't remember that either.

Q. Was Captain Miller on deck at any time when this red light was up?

A. I can't answer that either; I don't remember.

Q. Do you know Frank Loncke, the engineman of the "Elizabeth"? A. Yes, I know him.

Q. Where was he from the time the second red light went up? Did you see him on board?

A. I don't remember seeing him on board after that time.

Q. Do you know that it was high water at two o'clock on Thursday morning that night, or did you know it?

A. I knew it then that it was to be high water about a little after midnight.

Q. About two o'clock?

A. About twelve or after that, I don't know the exact time; I don't remember.

Q. How is it—what was the second—withdraw that. What was this second red light to indicate, if you know?

A. That all vessels that were pulling us to exert all their power; to any pulling boat.

Q. How do you know that?

A. I was informed by the master of the "Mi-

(Testimony of George E. Piltz.)

kahala" to that effect?

Mr. WEAVER.—I move to strike that out as hearsay.

The COURT.—I'm inclined that way. I will so rule.

Q. How long before the high water would it be before you began to pull?

A. How long before high water.

Q. Yes. Would it be before you began to pull on the "Celtic Chief"?

A. Well, I don't know. I can't answer that question because I was one of the junior officers in the operation.

Q. Did the captain give you any instructions with regard to when to begin to pull?

A. Which captain do you have [2267—1435] reference to?

Q. The "Mikahala." A. Yes, sir.

Q. When did you begin to pull?

A. Well, I was back and forth, being first officer of the "Mikahala," I was always kept in touch of everything by the captain of the vessel when there was anything new took place.

Mr. WEAVER.—I object to that and ask that it be stricken out as not responsive.

The COURT.—The objection is overruled.

Q. What did you understand with your superior officer with regard to pulling, if you had any such understanding? Was there anything said or done between you about this matter of pulling?

A. Well, I was instructed to be on the lookout when the second light went up, which I have already

(Testimony of George E. Piltz.)

stated went up somewheres around ten o'clock. I was instructed to be on the lookout so that I could be handy to get aboard my own ship when an order came over from him or from the superintendent of the Inter-Island.

Q. You gave you the order?

A. Captain Tullock, captain of the "Mikahala."

Q. Now, when was that done?

A. In the evening sometime when I was to supper or somewheres in the neighborhood.

Q. As a result of that order, did you begin to pull when the second light went up?

A. I can't answer that question because I was aboard the "Celtic Chief" at that moment when the light went up.

Q. On the night, on the day previous to this night of Wednesday, you had pulled, had you not, before high water? A. Yes.

Q. How many hours before high water had you pulled?

A. Well, we were pulling all the time, but at full speed it would be several hours before high water.

Q. You said, did you not, on direct examination, at high [2268—1436] water we would pull at full speed and at low water, we would pull at reduced speed? A. Yes.

Q. How long before high water would you pull at full speed?

A. I don't remember exactly the time, about a couple of hours.

Q. That is a practice, is it not? A. Yes.

Q. Isn't it a waste of power to pull more than two



(Testimony of George E. Piltz.)

hours or half an hour before high water? A waste of power, a waste of effort?

A. It would be; yes.

Q. Now, what time was high water on the morning of Thursday, the night of Wednesday, December 8?

A. Oh, I don't remember the time, but it generally begins an hour later.

Q. Well, wasn't it two o'clock?

A. I don't remember what time it was but it was about midnight or little after midnight.

Q. Wasn't it about two o'clock in the morning?

A. I do not remember. I do not know.

Q. Weren't you in charge of pulling the "Celtic Chief" off by means of the "Mikahala"?

A. I was first officer of the "Mikahala" subject to orders given by the master.

Q. And don't you know what time high tide came?

A. No, sir, I did not look at the tide tables or anything. I just took for granted the time given me by the master and I don't remember what time it was. But I do say that he did say that it was after midnight.

Q. Then you do remember that the signals to pull full speed ahead were up at ten o'clock of Wednesday night, that is, four hours before the hour.

Mr. WARREN.—I object to that.

A. How's the question again?

(Question read.)

A. Yes, sir; I knew that the two lights meant to go at full speed. [2269—1437]

Q. Then it was a waste of effort to be pulling at

(Testimony of George E. Piltz.)

full speed at ten o'clock if high water was at two, was it not? A. What's that question?

(Question read.)

A. Well, now, I'm unable to judge of that.

Q. Was it good seamanship to be pulling four hours before the high-water mark was reached?

Mr. WARREN.—I object to that on the ground there is not testimony that they were pulling four hours before.

Mr. WEAVER.—Withdraw the question. Suppose the high water were two o'clock, was it good seamanship to be pulling at full speed four hours before high water?

Mr. WARREN.—I object to that.

Mr. WEAVER.—Withdraw the question. Would it have been good seamanship if high tide were reached at two o'clock in the morning of Thursday and boats were pulling at full speed at ten o'clock of Wednesday, four hours before?

A. It is good seamanship to pull at full speed always on the rising tide.

Q. But didn't you say that it would be a waste, that it was a waste of effort or not desirable to pull four hours before the height of the tide? A moment ago you answered four hours before it was too sudden a pull.

A. I'm not able to judge. I was subject to orders given and the work was performed by the master of the vessel.

Q. I'm asking you as a seaman, what was good seamanship?

A. As I said, the best part of the pulling would be

(Testimony of George E. Piltz.)

on the rising tide which would be arising four hours before high tide.

Q. Now, isn't it better seamanship to begin to pull two hours or two hours and a half before?

A. Yes, it would be better seamanship, but everybody have their own opinion on that.

Q. Didn't you pull at high tide the day before this one? [2270—1438] A. Yes, sir.

Q. Didn't you begin to pull then about two hours or two hours and a half before the tide?

A. I don't remember; I can't state.

Q. You didn't pull four hours before, did you?

A. I don't remember if it was four hours.

Q. How far away from the break of the poop is the mainmast of the "Celtic Chief"?

A. Oh, about fifty feet, I think. Something in that neighborhood.

Q. Fifty feet?

A. Something in that neighborhood.

Q. And how far forward of the mainmast is the foremast?

A. I don't know. I don't remember.

Q. Can you give the distance between those masts as nearly as you can remember?

A. Well, I won't state and I can't because I don't remember the distance between them two masts.

Q. Can't you say whether it was forty feet or a hundred feet? Which is closer?

A. Well, somewheres around sixty feet to my judgment. Probably a little more.

Q. Around sixty feet. Then what is the after

(Testimony of George E. Piltz.)

mast? What is it called?

A. The mizzenmast.

Q. And the next one forward I mean?

A. Yes.

Q. Was the mizzenmast right at the break of the poop? A. Yes.

Q. Then, if the mizzenmast was sixty feet forward of that—

A. Something about that, about fifty.

Q. How far would you say the distance between the mizzen and main mast is?

A. Oh, about fifty; between fifty and sixty. Something like that.

Q. Then the distance between the mizzen and the fore mast, was how much? Was sixty feet, as you said before. The foremast and the mainmast?

A. About sixty feet.

Q. They were equi-distant so far as you know, equal distance? [2271—1439]

A. About the same distance.

Q. And how high was the floor of the poop deck above the main deck?

A. Oh, I forget now. About, I never measured, but I should judge about eight, eight feet, I think.

Q. And you walked over the lines of the Miller Salvage Co. about forty or fifty feet forward of the break of the poop, did you not? A. Yes, sir.

Q. Where were the lines of the “Arcona” coming aboard the “Celtic Chief” on the starboard side?

A. Through the midship chock fast to the mizzenmast.

Q. And where were those lines with regard to the

(Testimony of George E. Piltz.)

chock? How high above the chock?

A. Oh, I should judge about eight inches. It ain't high.

Q. And now where was the rope of the Miller Salvage tackle attached on the "Celtic Chief"?

A. Well, when I saw them they were attached to the bitts on the main deck.

Q. And were they not up by the foremast?

A. I don't know.

Q. Where does—what part of the mast did they come to?

A. Oh, the purchase were on the fore part of the foremast, from what I remember.

Q. Now, how were they attached there?

A. Well, they were lashed to the bitts with lashings.

Q. Right at the starboard side?

A. Starbard main deck bitts, forward main deck bitts.

Q. Tell us how they were lashed at the bitts.

A. Well, I didn't take any notice how they were lashed but I saw there was lashings of ropes around the bitts and through the shackles of the blocks.

Q. And how many tackles were there there so attached?

A. I only noticed two three-sheave blocks.

Q. Two? A. Two three-sheave blocks.

Q. Is two three-sheave blocks the same as two treble blocks? [2272—1440] A. Treble, yes.

Q. Tell me how large blocks they were up there at that end.

A. Oh, I don't know the size of them. I don't remember.



(Testimony of George E. Piltz.)

Q. Can't you give us some idea? Were they six-inch blocks?

A. Oh, they were over two foot blocks, twenty-four-inch blocks. Eighteen or twenty-four feet—I mean eighteen-inch blocks.

Q. How many of them? A. Two.

Q. Were they both the same size? A. Yes.

Q. And what—do you know the tackles, the size of the tackles in them?

A. The size of the ropes you mean?

Q. Yes, ropes?

A. I didn't notice what size rope there were through them.

Q. Now, then, where did they lead from there?

A. They lead aft to the break of the poop.

Q. On the starboard side of the boat?

A. On the starboard side of the vessel.

Q. Did they pass the main hatch close up or not?

A. They were about two yards out.

Q. Was there a captain there on the deck forward from the poop and aft of the mainmast? A. Yes.

Q. And was there anybody near that capstan?

A. The men. The capstan was right amidships and the line lead over, not directly over, but the line lead by on the starboard of the capstan.

Q. Where were the blocks on the after end of this tackle attached to a hawser?

A. On the fore part of the break of the poop.

Q. Then they were—it was over the main deck and not on the break of the poop that they were attached? They were hanging over the main deck?

A. Over the main deck; yes.

(Testimony of George E. Piltz.)

Q. And how many blocks were there aft?

A. I don't remember how many. I noticed only two. [2273—1441]

Q. Well, then, there were two blocks forward and two blocks aft on this tackle? A. Yes.

Q. And can you say how large these blocks aft were?

A. Same size as the forward ones, eighteen.

Q. Now, how were these blocks attached to the Miller Salvage hawser, if you know? A. I do not.

Q. Do you know whether they had a hawser there or steel wire?

A. I don't know, I didn't take any notice.

Q. Didn't you notice whether they had a bridle or steel wire and a hawser?

A. No, sir, I wouldn't state either case.

Q. Do you know whether they had a piece of hawser between the steel cable and the tackle?

A. I don't know.

Q. And when you were there, were these tackles, with regard to the lines coming in from the star-board side of the "Celtic Chief" the "Arcona" lines and attached to the mainmast, were they under or were they over?

A. Well, I don't remember if they were over or under now. I didn't take notice of that.

Q. How far aft of the mainmast was this hatch where you were working?

A. I think somewheres from thirty to forty feet, I think.

Q. Then how far forward of the poop was it?

A. Ten or fifteen, ten or twenty feet more or less.

(Testimony of George E. Piltz.)

Q. Now, when you walked over this cable, this tackle on the "Celtic Chief" frequently, what place did you cross it?

A. May I hear that question over again?

(Question read.)

A. Is that question correct?

Q. What place did you cross it?

A. You have reference to the tackle of the "Celtic Chief"?

Q. I say the tackle of the "Celtic Chief," the purchase tackle on deck. Oh, the Miller Salvage Co. Change it.

A. Well, reading that question again— [2274—1442]

Mr. WEAVER.—I'll withdraw that question. When you crossed the tackle of the Miller Salvage Co. on the deck of the "Celtic Chief," what place on deck, between the break of the poop and the mainmast, did you cross it?

A. I don't remember crossing it at any particular time.

Q. Well, what place?

A. Or any particular place. Between the mainmast and the break of the poop.

Q. Didn't you say you crossed it forty feet forward of the break of the poop and you noticed it at that place?

A. Well, I remember once passing that way and the height of the belly of the rope was no higher than my chest.

Q. That was where?

A. I don't remember now how far that was away

(Testimony of George E. Piltz.)

from the main deck—I mean from the mainmast. It may have been close to the mainmast.

Q. It may have been, or it may have been considerable, a good distance.

The COURT.—You saw the Miller Salvage Co. men working about these tackles, didn't you?

A. Yes, I noticed a gang of men.

Q. Did you see a gang of men working about the capstan? A. No, I did not notice anybody.

Q. Were any men working around the capstan?

A. I did not notice but I heard the clicking of the poles of the capstan.

Q. Did you see whether or not there were any men fleeing these tackles at any time you were there?

A. No, sir, I didn't notice any particular time when they were fleeing.

Q. Can you say that they did not fleet the tackles?

A. No, sir, I could not.

Q. You wouldn't notice those things?

A. I didn't notice.

Q. You were busy with lightering the cargo?

A. Lightering cargo, salving the ship. [2275—1443]

Q. How did you observe the red light in the rigging if you couldn't tell whether or not they were working fleeing tackles? How did you happen to see the light?

A. Well, as I once stated before, I was subject to orders from the master of the "Mikahala," and I had that impression in my mind to glance to see when the light was put up.

Q. Were you there at the time when the ship began to move off, Captain?

(Testimony of George E. Piltz.)

A. I don't remember, I don't know.

Q. Were you there at any time when the Miller Salvage blocks dropped down to the deck?

A. No, sir.

Q. Now, if, Captain, there were considerable purchase on the deck of the "Celtic Chief" so rigged that there are two tackles working upon pulleys on the main deck and the main tackle is attached to a two-and-a-quarter-inch steel hawser and to an anchor that is fastened to the bottom of the ocean over to the stern of the "Celtic Chief," in your opinion, would that be sufficient to tow the "Celtic Chief" from going broadside on, if a strain were taken on that tackle by means of the capstan. I think this Miller Salvage Co.'s anchor is supposed to be six or seven tons. Maybe five.

A. Read the last part of the question.

(Question read.)

A. What distance did you figure the—what distance did you lay the anchor away from the ship?

Q. Well, at least five hundred feet. Say from five hundred to a thousand feet and the water at twenty feet deep.

Mr. WARREN.—Where the anchor is?

Mr. WEAVER.—The water in that vicinity is twenty feet deep, running down to twenty feet where the anchor is.

A. That is, with the condition that existed out there at the time when this anchor was there?

Q. Under the conditions that you saw there on this, on Wednesday night.

A. Well, I think it would hold [2276—1444]



(Testimony of George E. Piltz.)

her in position for a certain length of time, not for good.

Q. Well, for how long? Few minutes or a day or two?

A. It would have held her there for, I think, about a day.

Q. More than a day?

A. It might more than a day and maybe not.

Q. How do you limit it to a day?

A. You generally judge—mariners can generally judge by experience what may come a day later.

Q. You won't vouch for what might happen the next day?

A. No, there might have been ocean swells setting in there.

Q. Well, according to the heaviest swell that you saw on Monday, Tuesday, or Wednesday, out there, would that tackle have been sufficient to have held the boat if those conditions remained and no increase in the force of the sea, would that tackle have been sufficient to hold?

Mr. WARREN.—Hold her from going broadside, you mean?

Q. Yes, hold her from going broadside on the reef.

A. This question is asked knowing that there is nothing else done to the vessel?

Q. That's all.

A. No lightering of cargo and so forth?

Q. No lightering.

A. I think it would have held her in position, held her from going broadside-on.